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A PRACTICAL GUIDE

TO

THE LICENSING ACT, 1904.

BY

EDWARD W. BEAL, M.A.

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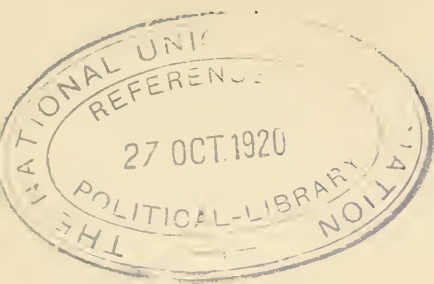
A PRACTICAL GUIDE
TO THE
LICENSING ACT, 1904,
AND THE
RULES MADE BY THE HOME SECRETARY
UNDER THE ACT
TOGETHER WITH
THE ACT, RULES AND FORMS, AND PARLIAMENTARY
RETURNS

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WATERLOW AND SONS LIMITED, LONDON WALL.

1905.



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A PRACTICAL GUIDE

TO THE

LICENSING ACT, 1904.

Scope of the Act.

1. The main provisions of this Act may be grouped under the following heads:—

Scope of the Act.

(a) The limitation and definition of the grounds upon which licensing Justices (called in the Home Secretary's Rules "*the renewal authority*") may refuse the renewal or transfer of certain "on" licences.

(b) The transfer to quarter sessions in the case of Counties, and to the whole body of Justices in the case of County Boroughs, (in both cases called in the Home Secretary's Rules "*the compensation authority*") of the power to refuse, subject to compensation, the renewal or transfer of certain "on" licences.

(c) The levying of a compensation fund, and the mode of ascertaining and distributing the compensation money.

(d) The vesting of additional powers in licensing Justices in regard to certain new "on" licences.

Powers of refusal remaining vested in the licensing Justices without Compensation.

2. Prior to the new Act, except in the case of ante-1869 beer houses, the power of licensing Justices to refuse the renewal or transfer of "on" licences was absolute,

Licensing Justices' powers under earlier Acts.

subject to three qualifications; the procedure laid down by the Licensing Acts 1872 and 1874, must be carried out; the Justices must use their discretion, not capriciously, but in a judicial and reasonable way; and the applicant for the licence could appeal to Quarter Sessions. There was never any real doubt as to the Justices' powers, but the judgment of the House of Lords in *Sharp v. Wakefield*, 1891, A.C., 173, placed the matter beyond question. The decision in the Farnham case (*R. v. Howard and others*, 1902, 2 K.B., 363) only affects matters of procedure. The Court of Appeal held in that case that the course adopted by the Farnham Justices was fair and proper. It did not lay down that no other procedure could be adopted. The more recent case of *Raven v. Southampton Justices*, 1904, 1 K.B., 430, which was unfortunately not carried to the Court of Appeal, establishes no general principle, and merely decides that in the special circumstances of that case the Southampton Justices had not exercised their discretion properly.

• These are matters which will still have to be considered by licensing Justices.

3. The provisions of the Act grouped above as *a*, *b*, and *c*, apply only to *existing on-licences*, which do not include those held by refreshment house keepers for wine alone or sweets alone. Sec. 9 (4).

The expression "*existing on licence*" is defined (Sec. 9 (4)) to mean "*an on licence in force at the date of the passing of this Act*" (15th August, 1904), "*and includes a licence granted by way of renewal from time to time of a licence so in force, whether such licence continues to be held by the same person or has been or may be transferred to any other person or persons.*" Therefore, if there is any break in the continuity of the licence, the Act ceases to apply, and the licensing Justices' powers in regard to the house are revived, as if the Act had not passed. It follows that in such cases all the existing authorities dealing with the powers of licensing Justices, and the mode of exercising them, are still applicable.

Licences to which groups *a*, *b* and *c* apply.

Where a provisional grant and order on confirmation of a licence has been made before the passing of the Act, the licence is to be deemed an *existing on licence*, although the final order may not be made until after the passing of the Act. Sect. 9 (4).

It has recently been held by the Court of Appeal that if a licence is forfeited, or the licensee becomes disqualified from holding a licence, the continuity of the licence is broken, and the privileges of an ante-1869 beer on licence are lost. (*Chambers v. Tower Justices*, 1904, 2 K.B., 903). In similar circumstances, any existing on licence will lose the rights conferred by the new Act.

4. The powers of licensing Justices to refuse the renewal or transfer of an *existing on licence* (excluding ante-1869 beerhouses) are now limited to the following grounds :—

Grounds of refusing existing on licences (not being ante-1869 beerhouses) without compensation.

- (1.) That the licensed premises have been ill-conducted ;
- (2.) That they are structurally deficient ;
- (3.) That they are structurally unsuitable ;
- (4.) Grounds connected with the character of the proposed licensee ;
- (5.) Grounds connected with the fitness of the proposed licensee ;
- (6.) That the renewal would be void.

These grounds are contained in Section 1 (1) of the Act. Two other grounds are contained in Section 9 (2).

(7.) That the licensee has persistently and unreasonably refused to supply refreshment other than intoxicating liquor ;

(8.) That the licensee has failed to fulfil any reasonable undertaking given to the Justices.

If a licence is refused upon either of the two last mentioned grounds (7) or (8), the refusal is to be deemed to be on the ground that the premises have been ill-conducted.

Interpretation
of above
grounds of
refusal.

5. The above grounds exclude several upon which licensing Justices have been in the habit of refusing renewals; for example, that the house is in a position difficult for police supervision; that it has lost its trade; that it is not required. But the grounds Nos. 4 and 5—the character or fitness of the proposed licensee—will probably be found in practice to cover the majority of cases.

It cannot be intended that Sect. 16 of the Act of 1902 should be incidentally repealed. If the licensing Justices are of opinion that the *agreement or other assurance* referred to in that section contains (in the words of the Home Secretary) anything which renders it “*impossible for the tenant to carry on the business properly and successfully*,” the transfer or renewal may be refused on the ground that the applicant is not a fit person. See Mr. Akers-Douglas’ letter to Mr. W. J. Galloway, M.P., *The Times*, 11th March, 1903.

It was certainly the intention of the legislature that the grounds inserted in Section 1 of the new Act should be interpreted in a broad and popular sense. The debates in Committee of the two Houses of Parliament abundantly prove this, but they have no authority in a court of law as a guide to the meaning of a statute.

Grounds of
refusal of
ante-1869
beerhouses
without com-
pensation.

6. Ante-1869 beerhouses retain their privileges so far as regards the licensing Justices, that is, the renewal or transfer of their licences cannot be refused by the Justices except upon one or more of the “four grounds.”

The sections of the Acts of 1869 and 1870 relating to these houses are repealed by the new Act, but the effect of them is re-enacted. Sect. 9 (3.) It may be convenient to give here a summary of these grounds, so that they may be compared with the eight grounds specified in the new Act. The four grounds are:—

(1.) That the applicant has failed to produce satisfactory evidence of good character;

(2.) That the premises or any adjacent premises owned or occupied by the applicant are of a dis-

orderly character, or frequented by thieves, prostitutes, or persons of bad character ;

(3.) That the applicant has by misconduct been personally disqualified from holding a licence ;

(4.) That the applicant or the house is not duly qualified as by law required.

It will be seen that the grounds contained in the new Act which have been numbered 2, 3, 7, and 8, do not apply to ante-1869 beer houses. The other grounds, 1, 4, 5, and 6, are practically the same as the four grounds of 1869. The result is that the licences of ante-1869 beer-houses cannot be refused by the licensing Justices upon the ground that the premises are structurally deficient or structurally unsuitable, or that the licensee has refused to supply refreshment other than intoxicating liquor, or has failed to fulfil any reasonable undertaking given to the Justices.

Beerhouses which are not privileged may be dealt with by the licensing Justices upon any one or more of the 8 grounds contained in the new Act, if they are *existing on licences*.

Ante-1869 licences which have lost their privilege, and any licence not within the definition of *existing on licences* are at the absolute discretion of the licensing Justices, as laid down in *Sharp v. Wakefield*.

Under the new Act ante-1869 beerhouses are liable to have their licences refused by the compensation authority on any ground, upon payment of compensation.

7. It may perhaps be assumed that in future, notwithstanding the powers of the licensing Justices in cases to which the new Act does not apply, no on licence will be taken away on the sole ground that it is not required for the wants of the neighbourhood. That ground may, however, in those cases still be combined with others, as heretofore, and may suffice to turn the scale when the licence is otherwise in jeopardy.

The wants of the neighbourhood as a ground of refusal.

Structural
deficiency or
unsuitability.

8. If the licensing Justices refuse a licence on the ground that the premises are structurally deficient or structurally unsuitable, it will no doubt be said on appeal to Quarter Sessions that the Justices ought to have exercised their powers under the Act of 1902, and required the necessary alterations to be made. There may be cases in which no alterations could make the house efficient or suitable. Even in such cases it might be thought hard to take away the licence without compensation. Probably this ground of refusal will only be acted upon by licensing Justices in combination with others.

The question of structural deficiency or unsuitability, as already said, does not affect ante-1869 beerhouses, except as a ground for sending them up to the compensation authority for extinction with compensation.

Void
licences.

9. A licence would be void if granted inadvertently to a dead person, or to Sheriff's officers, or officers executing legal process, or to a person disqualified from holding a licence by reason of his having been convicted of certain offences.

A licence would also be void if granted in respect of premises not having the proper value qualification, or the prescribed number of rooms for the accommodation of the public, or, in the case of a beerhouse, if the licence were granted to a person not being the real resident holder and occupier. Licensing Act, 1872, sect. 44.

Supplying
refreshment.

10. The duty indirectly imposed upon the holder of an existing on licence to supply suitable refreshment (other than intoxicating liquor) at a reasonable price, places upon an ordinary public house the obligation formerly attaching only to an inn, and in the case of inns, limited to travellers. Sect. 9 (2).

This obligation does not affect ante-1869 beerhouses, except as a ground for extinction of the licence with compensation.

Undertakings.

11. The failure to fulfil any reasonable undertaking given to the Justices on the grant or renewal of an

existing on licence is another ground which does not affect ante-1869 beerhouses, except as above mentioned. Sect. 9 (2).

It does not appear that the licensing Justices have any power to force a licensee to give an undertaking. If he refuses to do so, and they consider the matter sufficiently grave, they can only refer it to Quarter Sessions, with a view to the licence being extinguished, on payment of compensation.

If the Justices ask the holder of an existing on licence to give an undertaking, they must adjourn the hearing, and serve notice on the registered owner, giving him an opportunity of being heard. Sect. 9 (2).

A licensee may volunteer to give an undertaking, without being asked by the Justices, but in such a case, the owner should have an opportunity of being heard, his interest in the premises being much larger than that of the licensee.

In regard to undertakings given before the commencement of the Act, some doubt arises whether they ought not to be repeated at the next renewal of the licence, after notice has been given to the registered owner. This does not seem to be necessary so long as the licensee remains the same. Upon any transfer of the licence the undertaking must be repeated, and the registered owner must have an opportunity of being heard.

12. The general result of the foregoing provisions of the Act is:—

Summary of powers of refusal without compensation.

(a) That *existing on licences* (other than ante-1869 beerhouses) may be refused by the licensing Justices, without compensation, upon one or more of the eight grounds above stated.

(b) That the licences of ante-1869 beerhouses may be refused by the licensing Justices, without compensation, upon one or more of the old four grounds.

(c) That licences, not being *existing on licences*, nor ante-1869 licences, including beerhouses which have

lost their privilege, may be refused by the licensing Justices, without compensation, upon any reasonable and proper ground, including the ground that they are not required for the wants of the neighbourhood.

In all the above cases the applicant for the licence will have the right of appeal to Quarter Sessions, as heretofore.

Grounds of refusal to be specified in writing.

13. When the licensing Justices refuse the renewal or transfer of an existing on-licence, they must specify in writing the grounds of their refusal Sect. 1 (1.)

This means that the grounds must be reduced to writing and read out to the applicant. It is not necessary to furnish him with a copy, unless he asks for it. See *Reg. v. Cumberland Justices*, 1881, 8 Q.B.D., 369—a decision upon similar words in the Act of 1869. In the case of renewals, the grounds will have been already reduced to writing in the notice of objection, and it will only remain to specify those which have been acted upon. In transfers the grounds cannot be drawn up till the decision is arrived at, but they must be specified at the time of refusing the application. *Reg. v. Chertsey Justices*, 1878, 3 Q.B.D., 374.

The provision of Section 26 of the Licensing Act, 1874, that the grounds of objection shall be stated *in general terms*, and the decisions under that section, are ignored by some Courts of Quarter Sessions, who require the grounds to be stated in very definite and precise terms. In future it will probably be sufficient in law, in cases under the new Act, to use the actual words of the Act; but it is, of course, fair to the applicant to give him notice as clearly as possible of the case against him.

Powers of refusal transferred to Quarter Sessions, or in County Boroughs to the whole body of Justices, with right to compensation.

POWERS of refusal with

14. The power of refusing *existing on-licences* (not being ante-1869 beerhouses) upon any ground other than the

eight grounds stated above, and the power of refusing ante-1869 licences upon any ground other than the old four grounds, is transferred by the Act from the licensing Justices to Quarter Sessions in Counties, and to the whole body of Justices in County Boroughs; and the refusal of the licence will involve payment of compensation. Sects. 1 (2) and 2 (1). compensation.

15. When a licence is refused by the licensing Justices on one or more of the eight grounds specified in the new Act, or on one or more of the four grounds specified in the Act of 1869—that is, on any ground which does not entitle the applicant to compensation—an appeal will lie to Quarter Sessions, as heretofore—namely, to the whole body of Justices. Appeals to Quarter Sessions as heretofore.

Procedure in compensation cases—reports of the renewal authority.

16. If the licensing Justices come to the conclusion that *the question of the renewal of any particular existing on-licences requires consideration on grounds other than those* which are within their competence to consider, they must refer the matter to the compensation authority, together with their report thereon. Sect. 1 (2). The phrase above cited practically means that the licensing Justices are of opinion that the licence should be refused. Reference to the compensation authority.

The procedure up to a certain point will be the same as now. In the case of renewals, notice and grounds of objection must be served under the Licensing Acts, 1872 and 1874, and evidence must be taken on oath at the Annual Licensing Meeting. Procedure in renewals.

It has been suggested that if the wants of the neighbourhood are one of the grounds upon which, in the view of the licensing Justices, the question of renewing the licence requires consideration, the procedure adopted in the Farnham case must be followed, and notice of objection be given to all the licensees in the district. This depends on the circumstances. If the licensed houses in a congested area are so similar in structure, trade and position, that it Where the wants of the neighbourhood are one of the grounds.

is impossible to pick out any which call for extinction more than others, the only fair course is to bring them all up at the Annual Meeting, and then determine, after hearing the evidence, which houses should be included in the report to the compensation authority. The Act refers (Sect. 1 (2)) to *any particular existing on-licences*, and if the licensing Justices are able to take out special houses, there is no need to go through the procedure of the Farnham case. Indeed, it would be putting the licensees of the other houses to unnecessary expense and unreasonable trouble to oblige them to prove—what is not disputed—that their licences should be renewed.

Reports of
renewal
authority.

17. What should be contained in the reports to the compensation authority is a matter which can only be settled by experience of the working of the Act. They may be brief and almost formal documents, or they may be highly elaborate, and be accompanied by statistics and maps. The Home Secretary's form is merely a tabular heading, and gives no indication of what the reports should contain. His power does not indeed extend so far.

It may be urged that the report should only contain the evidence given before the Justices at the Annual Licensing Meeting. It must certainly be limited to the grounds stated in the notice of objection, but the inferences which the licensing Justices drew from that evidence may properly be inserted in their report. See observations of Wills, J., in *Reg. v. Miskin Higher Justices*, 1893, 1 Q.B. 275.

Transmission
of reports.

18. At the end of each Annual Licensing Meeting, and before the 30th April, the renewal authority are to send to the compensation authority a list of the houses referred to that authority, together with their reports thereon. R. 7.

Preliminary meeting of compensation authority to consider reports generally.

Preliminary
meeting to
consider

19. When the reports have been received the compensation authority are to hold a *preliminary meeting* before

the 31st May. At this meeting the compensation authority are to consider, *as a whole, and with regard to the funds at their disposal, and the general circumstances and needs of their area*, the reports received. Sect. 3 (5), R. 9 and 10. reports generally.

The chairman of the renewal authority, and any members, not exceeding two, of that authority appointed for the purpose, and any officer so appointed, have the right of attending the preliminary meeting, for the purpose of consulting with the compensation authority as to their report. R. 11 (1). This rule is made under Sect. 6 (a) of the Act. It will not apply to County Boroughs, in which the renewal authority and the compensation authority are composed of the same persons. R. 11 (2). Who may attend.

In addition to the above persons any other person requested by the compensation authority, and no one else, may attend the preliminary meeting. R. 12.

20. The consultation contemplated by the Act (Sect. 6 (a)), and provided for by the Home Secretary's Rules, should only be on preliminary matters—the form of the report, the materials to be included in it, the number of cases to be sent up each year, the postponement of some of them, and so on. It would not be fair that the compensation authority should discuss the merits of any case, not only in the absence of the persons interested in the licence, but in the presence of the renewal authority which has reported in favour of extinguishing the licence. It would have been well if the Home Secretary's Rules had expressly prohibited the preliminary meeting from discussing the merits of any case included in the reports, but no doubt the legal advisers of the two authorities will point out to their respective clients that no discussion ought to take place, and certainly no decision be arrived at, with respect to the ultimate fate of any particular house mentioned in the report. What should be discussed.

21. If at the preliminary meeting the compensation authority decide not to proceed with the report in respect of any licence—which means, if they decide not to go into Cases not proceeded with.

the merits of that case—the authority are to send notice of their decision to the licensee, the registered owner and the renewal authority. R. 13. This decision will not prevent the renewal authority from sending up the same case in the next or any subsequent year, but the same formalities must be gone through as on the first occasion.

It is desirable that the compensation authority should proceed with as many cases as possible in each year. The persons interested in a house which has been reported upon would have good ground to complain if they were unnecessarily kept in suspense as to the fate of the licence. Moreover, the interval of respite might be used for undesirable dealings with the licensed premises.

The decision not to proceed is of course not a decision that the licence ought to be continued. This can only be determined at the *principal meeting*.

Principal meeting of compensation authority to arrive at final decision.

Time and
notice of
principal
meeting.

22. The preliminary meeting may, if necessary, be adjourned from time to time (R. 38), but after the conclusion of that meeting the compensation authority are to hold the *principal meeting*, for the purpose of coming to a final decision as respects any case in which they have decided to proceed under the Act. Not less than 14 days' notice is to be given by advertisement of the time and place of meeting, and a separate notice is to be given to the licensee and the registered owner of the licensed premises affected, and to the renewal authority. R. 14 and 15.

Persons
entitled under
the Act to
be heard.

23. Before dealing further with the Home Secretary's Rules as to the *principal meeting* it is desirable to point out what the Act provides as to the persons entitled to be heard by the compensation authority upon the question whether a licence shall or shall not be extinguished.

Hearing
persons
interested in
house.

The persons interested in the licensed premises are entitled to be heard. Sect. 1 (2).

The compensation authority may also hear, unless it appears to them unnecessary, any other persons appearing to them to be interested in the question of the renewal of the licence. Sect. 1 (2). This expression would include private objectors who have served notice on the licensee, and public bodies, such as Borough Councils, Boards of Guardians, &c.; but whether private societies, and in particular temperance associations, who have not given notice of objection, would have a *locus standi* is doubtful. At all events, the compensation authority may decline to hear them.

Hearing persons interested in the question of renewal.

The compensation authority may also hear, unless it appears to them unnecessary, the licensing Justices. Sect. 1 (2). It can only be in rare cases that the compensation authority will refuse to hear the licensing Justices, for they are best able, from their local knowledge and previous investigations, to explain and amplify their report. In their absence the persons interested in the licensed premises, who have an absolute right to be heard, could put forward statements and figures which the compensation authority would have difficulty in testing.

Hearing the licensing Justices.

24. The right to be heard includes the right to examine and cross-examine witnesses. And as the law permits every one, in the absence of express prohibition, to act by his legal representative, all persons entitled to be heard may be represented by Counsel or Solicitor.

Rights included in hearing.

25. In transfer cases, the renewal authority may call before the compensation authority such evidence as may be thought desirable in support of their report. In renewal cases, evidence may be called which was not before the renewal authority, but perhaps it must be limited to matters stated in, or to be inferred from, the grounds of objection, as is now the case on appeals under the Act of 1828. *Ex parte Gorman*, 1894, *A.C.*, 23.

Limitation of new evidence.

There seems to be no power on the part of the compensation authority to call for additional or independent evidence at this stage.

Refusal to hear must be decided in each case.

26. The refusal to hear either the persons appearing to be interested in the question of the renewal, or the licensing Justices, must be decided upon in each particular case, after considering the circumstances of that case. The compensation authority have to determine whether the hearing of such persons or the Justices is necessary or unnecessary, and cannot, therefore, make a general rule, laying down whom they will hear or refuse to hear upon dealing with the licensing Justices' reports. Sect. 1 (2).

Persons interested in premises or question may have copies of report.

27. The licensee and the registered owner, and any person who satisfies the Clerk of the compensation authority that he is interested in the question of the renewal of the licence, may obtain, on payment of a fee not exceeding 4d. a folio, a copy of that part of the report which relates to that licence. R. 16. An embarrassing discretion is thrown by this Rule on the Clerk of the compensation authority. Not every person or body who holds views on the licensing question should be allowed to have a copy of the renewal authority's report. In the hands of trade rivals, or other persons, it might be used to lessen the value of the house, should the compensation authority decide not to refuse the licence.

Order of dealing with cases.

28. The compensation authority are to determine the order in which they will deal with the cases, and where the same facts and conditions are applicable to more than one case, they may deal with those cases together. R. 17.

And of hearing persons interested.

The authority will also have to determine, although the Rule does not provide for it, the order in which they will hear the parties interested in any case. This is an important matter, as the burden of proof will fall on the party who begins. In appeals to Quarter Sessions against refusals to renew licences, the respondent Justices begin, the burden of proof being upon them. If the report of the renewal authority is taken as settling up a *prima facie* case, the persons interested in the licence will have to begin, and it will be for them to displace the report.

29. Notice of the decision of the compensation authority is to be given to the renewal authority, to the licensee and to the registered owner, and if the licence is refused, to Commissioners of Inland Revenue. R. 18.

Notice of decision to be given.

30. The proceedings at the principal meeting are to be open to the public, except during private consultations between the members of the compensation authority. R. 19.

Proceedings at principal meeting to be public.

Supplemental meetings—ascertaining persons entitled to compensation.

31. Having considered the licensing Justices' report, and heard the persons interested in the house, and the other persons referred to in Sect. 1 (2), the compensation authority may, subject to payment of compensation, refuse any licence to which the report relates. Sect. 1 (2).

Refusal of licence subject to compensation.

In order to ascertain the persons entitled to compensation, the compensation authority are to publish by advertisement a notice specifying the licensed premises, and requiring claims to be sent in within 21 days. As soon as may be after that time a *supplemental meeting*, of which notice is to be given, is to be held for considering the claims. R. 21, 22 and 23.

Claims to compensation to be sent in.

32. The licensee, the registered owner and any other person who has made a claim, may obtain copies of any claim relating to the premises, on payment of a fee not exceeding 4d. a folio. R. 24.

Claimants may have copies of claims.

33. At the supplemental meeting the compensation authority, after giving the above persons an opportunity of being heard, are to decide on the validity of the claims, and to determine who are the persons entitled to compensation. R. 25.

Validity of claims to be determined.

An opportunity of being heard should be given to persons who make claims at the very last moment, notwithstanding that they have failed to send in their claims within the time prescribed by the advertisement. Such

persons may have large interests in the licensed premises, and they should not be absolutely shut out. The Rules contain a general power enabling the compensation authority to proceed, notwithstanding any failure to comply with the provisions of the Rules. R. 6. Some of the persons interested in licensed premises may be expected to be in poor circumstances, not very well educated, and lacking in business capacity.

Mode of Assessing Compensation.

Assessment
of the com-
pensation.

34. The measure of the compensation to be paid is the difference between the value of the house subject to the same conditions of renewal as immediately before the passing of the Act (including depreciation of trade fixtures) and the value of the house without a licence. Section 2 (1). The value to be ascertained is the value of the house at the time when it is proposed to extinguish the licence, not its value before the passing of the Act, as is sometimes said. To determine this value is entirely a question for valuers and accountants, who will have to say what the sum works out at in each case. Their expert opinion must, however, be based upon admitted or established facts, and the facts, if contested, can only be ascertained by inspecting title-deeds, leases, agreements, books and accounts, and examining and cross-examining witnesses. There must therefore be something in the nature of a judicial enquiry, similar to proceedings in compensation cases, or in assessing damages before the Sheriff. The parties (using the word in the popular and not in the legal sense) would be the persons interested in the house on the one side, and the compensation authority, as protectors of the compensation fund, on the other side.

The Act provides that the sum to be paid may be the amount agreed upon by the persons interested in the house, if approved by the compensation authority, Sect. 2 (2). Without evidence and expert guidance the compensation authority would have no materials for

approving or disapproving. It seems to follow that the compensation authority must in every case hold a quasi-judicial enquiry.

In default of such agreement and approval, the amount of compensation is to be determined by the Commissioners of Inland Revenue, with an appeal to the High Court. The appeal will be under Sect. 10 of the Finance Act 1894, and the rules made under that Act in 1895. Questions of value as well as of law can be raised by the appeal.

The compensation authority might get rid of this part of their enquiry by formally disapproving of the sum agreed upon, but this would hardly be a compliance with the Act.

The valuers employed in these cases would practically be obliged to adopt the principles of valuation which govern the Commissioners. These are stated in a Return printed by the House of Commons on the 3rd May, 1904, a copy of which is appended. App. A., p. 84.

Further Supplemental Meeting.—Approval of agreed compensation and settling shares.

35. When the time for sending in claims has elapsed, a further supplemental meeting is to be held, to consider whether the compensation authority should approve of any sum agreed upon by the persons entitled as the money to be paid as compensation (called the compensation money), and to settle the shares. R. 27.

Supplemental meeting to consider agreed compensation and settle shares.

This meeting may be held on the same day as the first Supplemental Meeting, the prescribed additional notice having been given. R. 28.

36. If the persons interested agree upon a sum, and the compensation authority approve of the agreed sum, they are to proceed to settle the shares of the persons entitled. If the compensation authority do not approve of the agreed sum, one of two courses may be adopted. They may either adjourn the meeting until the amount of the

Shares may be settled before or after compensation money has been fixed.

compensation money has been determined by the Commissioners of Inland Revenue, or they may proceed at once to fix the proportions in which the compensation money, when the amount has been determined, is to be divided. R. 30. The latter course is no doubt intended to save time. At first sight it seems to be somewhat inconvenient, but it must be remembered that before the compensation authority can decide whether or not to approve of the agreed sum, the figures must be gone into, so that some of the materials will already be in their possession for estimating the shares. Although, however, the amount of each claim may thus have been ascertained, the amount of the total compensation money actually fixed by the Commissioners may induce the compensation authority to reconsider the proposed mode of apportioning it. This is very likely to be the case in regard to the share of the licensee, which does not depend upon purely financial considerations. The compensation authority have to give effect to the following difficult proviso (Sect. 2 (2).):—

Share of the ?
licensee.

Provided that in the case of the licence holder regard shall be had not only to his legal interest in the premises or trade fixtures, but also to his conduct and to the length of time during which he has been the holder of the licence, and the holder of a licence, if a tenant, shall (notwithstanding any agreement to the contrary) in no case receive a less amount than he would be entitled to as tenant from year to year of the licensed premises.

So that when the compensation money comes to be divided, something is to be given to the licensee which is not included in it, namely, a premium for his good conduct, and length of tenure of the licence. Thus the licensee's share must be fixed first of all, and the premium awarded to him must be deducted rateably from the other shares. It will puzzle valuers and the compensation authority to reduce good conduct to pounds, shillings, and pence, and the hypothetical licensee may lead to as much discussion and litigation as the "hypothetical tenant." It

is clear that the premium above mentioned cannot be added to the compensation money.

If the licensee's conduct has been bad, and his tenure of the licence short, the compensation authority would seem to have power to make a deduction from the sum representing his strictly legal interest.

Managers and servants, who although licensees are not tenants, will derive no benefit from the last clause of the proviso.

Managers and servants.

37. The compensation authority may refer any question as to the division of the compensation money to the County Court, if the question can be more conveniently determined by that Court. Sect. 2 (3). R. 40. This affords a second opportunity to the compensation authority to pass on its jurisdiction to another tribunal. It is conceivable that in some cases the compensation authority, having decided that the licence ought to be refused, will have nothing more to do than to make orders for payments out of the compensation fund.

Questions upon the division may be referred to the County Court.

An appeal will lie from any decision of the County Court under this section on questions of law.

38. The gross amount of compensation money in any case may be further reduced by payment out of it to the Commissioners of Inland Revenue of their costs of an appeal to the High Court. Sect. 2 (4). The compensation authority are to pay these costs to the Commissioners, and allowance is to be made for the amount in calculating the sum divisible. R. 33.

Commissioners' costs of High Court appeals.

It is presumed that the Commissioners will repay, or give credit for, the proportion of unexpired excise duty from the date of the extinction of the licence. If the money is paid to the licensee, it must be brought into account in fixing his share.

Proportion of excise duty.

39. The assessment of the compensation money and its distribution are matters which do not affect the licensing Justices. Their duties cease when the compensation authority have dealt with their report by refusing the

Licensing Justices not concerned with compensation money.

licence, subject to compensation. If the licence is not refused it comes again under the jurisdiction of the licensing Justices.

In hearing applications for the renewal or transfer of a licence, or for the approval of plans of alterations or rebuilding, the licensing Justices ought not to have regard to the circumstance that at some future time compensation may be payable in respect of the house. The compensation fund is not provided out of public moneys but by the trade.

Payment of
compensation
money.

40. After the shares in which the compensation money is to be divided have been settled, notice is to be given to the persons entitled, and a day fixed, not less than two weeks nor more than six weeks after the notice, for payment of the shares. R. 34.

Cesser of
licence.

A similar notice is also to be given to the renewal authority, and to the superintendent or other chief officer of police of the district, in order that they may know when the licence will cease to exist. R. 36. This will be on the expiration of the seventh day after the date fixed for payment of the compensation money. R. 42.

Provisional Renewal of Licences.

Provisional
renewal.

41. Where the renewal authority refer the question of the renewal of an existing on-licence to the compensation authority, the renewal authority are to grant the renewal, but to insert in the licence a statement that it is provisional. Sect. 6 (a). R. 41. A further provisional renewal may, if necessary, be granted. R. 43.

Refusal and
report in
respect of
the same
house.

It has been suggested that a licence may be refused on one or more of the eight or four grounds, and may at the same time be reported to the compensation authority on other grounds. The licensee would have a right of appeal to the whole body of justices against the refusal, and would also be heard by the compensation authority against the report. This course, even if it were otherwise desirable,

is, however, impracticable, as a licence which is reported upon must be provisionally renewed.

Refusal to Transfer and Provisional Transfers.

42. The provisions of the Act are to apply to the transfer of an existing on-licence as they apply to the renewal. Sect. 9 (1). Renewal includes transfer.

The word *transfer* is to include cases under Section 14 of the Act of 1828. Sect. 9 (4). Transfer includes cases under Sect. 14.

In transfers under Sect. 4 of the Act of 1828, the application is made by the outgoing licensee, and the questions before the licensing Justices are whether the proposed transferee is a fit and proper person, and whether he has a sufficient interest in the premises. If the transfer is refused, the current licence remains in force, and the only effect is that the trade will continue to be carried on by the present licensee. At the next Special Sessions another transferee could be put forward. The question of the fitness of the proposed transferee cannot, by itself (except in the case of ante-1869 beerhouses), come before the compensation authority. It may come before Quarter Sessions in an ordinary appeal. It is not likely that licensing Justices, being satisfied with the transferee, will send up a licence to the compensation authority for extinction, subject to compensation, on an application for a transfer *inter vivos*. The question of putting an end to a licence can be more conveniently dealt with at the Annual Licensing Meeting, but it would be right to give notice to a transferee at the time of the transfer that the house will probably then be reported upon. Transfers under Sect. 4 of the Act of 1828.

New on-licences granted for a term (Sect. 4 (3)) cannot be extinguished during the term, except by forfeiture, or by an order of a court of summary jurisdiction. Sect 4 (5). Hence, the only questions to consider on applications to transfer these licences will (as in ordinary cases under Sect. 4 of the Act of 1828) be whether the proposed licensee is a fit and proper person, and has a sufficient interest in the premises. Transfers of term licences.

Transfers of
ante-1869
beer houses.

There may, however, be occasions on which ante-1869 beerhouses may properly and conveniently be reported to the compensation authority upon an application for a transfer under Sect. 4. It may be impossible to refuse the transfer upon any of the four grounds, and yet the proposed transferee, though of excellent character, may be wholly unfit to conduct a licensed house. He may be too old or too young, he may have defective sight or imperfect hearing, and yet the licensing Justices must accept him, if he is forced upon them, as sometimes happens. In such cases the powers of the new Act may well be invoked on an application for a transfer, if the licensing Justices are of opinion, either that the house is not wanted, or that the proposed transferee is so undesirable, that it would be better, in the public interests, to suppress the licence. Unless the Justices are of that opinion, the new Act ought not to be used simply as a means of getting rid of the four grounds.

Transfers
under Sect. 14
of the Act of
1828.

The case is somewhat different when the application for a transfer is made by a new tenant under Sect. 14 of the Act of 1828, the licensee having removed from and yielded up possession, or having neglected to apply for a renewal. Still stronger cases are where the house is, or is about to be, pulled down for a public purpose, or, in the case of an inn, has by fire, tempest, etc., been rendered unfit for the reception of travellers. In any of these cases it may be a convenient opportunity to consider whether the licence should not be extinguished, for unless the grant be made, the sale of intoxicants must cease, there being no person by whom, or no house in which, the trade can be carried on.

Rules render
Act inopera-
tive as to
transfers.

In applying the Act to transfers, the obvious intention of the legislature was to enable a licence to be extinguished with compensation during its currency, upon the next application for a transfer. There could be no other object. Unfortunately, it is entirely defeated by the Home Secretary's Rules, which practically make the Act inoperative as regards transfers. The Rules provide that the report

of the licensing Justices in transfer cases is not to be transmitted to the compensation authority until the close of the next Annual Licensing Meeting, when it will be considered with the reports as to renewals. R. 45. In the meantime the transfer is to be granted, a statement being inserted that it is only provisional. R. 44. The interval may be thirteen months from the transfer session in April to the principal meeting in May of the following year. During that time the trade will be carried on at a great disadvantage. The suspense will be highly inconvenient to the persons interested in the licensed premises, as it will practically hang up all dealings with the property in the meantime. In cases under Sect. 4, the transferor will be kept waiting for the balance of his purchase money, and the transferee, if he pays it over, may be unable to get it back, should the transfer be ultimately refused.

In applications under Sect. 14, the uncertainty will produce even greater inconvenience, particularly in the case of executors, administrators, trustees in bankruptcy, and others, anxious to wind up, as soon as possible, a deceased or trust estate.

The renewal of the licence at the next Annual Licensing Meeting will be provisional only. R. 45 (1).

The compensation authority, in dealing with the question of the transfer, are to have regard to the action of the renewal authority with respect to the renewal at the next Annual Licensing Meeting. R. 45 (3). This rule illustrates the inconvenience of not dealing at once with reports on transfers. When the Annual Licensing Meeting comes round, if the renewal authority desire to report against the renewal, they must, notwithstanding the report already sent up on the transfer, serve notice of objection against the provisional licence, and go through all the formalities necessary when an application for renewal is opposed. The renewal authority, being differently constituted at the Annual Licensing Meeting, may take a different view of the case, and decide not to report against the renewal. In that event, presumably, the

Provisional
renewal in
case of
reported
transfers.

In dealing
with reported
transfers
regard to be
had to action
at next
Annual
Meeting.

compensation authority would decide not to proceed upon the report against the transfer.

If renewal
refused
transfer report
to drop.

The renewal licence may be refused by the renewal authority on some ground (one of the eight or four grounds) which does not involve compensation. The licensee would then have the right to appeal to the whole body of Justices in Quarter Sessions. In that case the compensation authority are not to proceed with the report upon the transfer. R. 45 (2)

Dealings with Provisional Renewals or Transfers.

Provisional
licences may
be forfeited or
transferred.

43. A provisional renewal or transfer is a licence which remains in force until finally dealt with by the compensation authority. It is therefore, during its existence, subject to the ordinary incidents of a licence. It may be forfeited, and it may be transferred, but when it is transferred, either under Sect. 4 or Sect. 14 of the Act of 1828, the transfer will be provisional, and must be sent up to the compensation authority, so that the authority may have before it the latest holder of the licence, and be able to give him the prescribed notices. It is possible that a series of transfer licences may be sent up in respect of the same house. The compensation authority will of course only proceed upon the last.

Transmission
of interests
after report.

If there is any transmission of interest, by death or otherwise, after the date when the report is sent by the renewal authority to the compensation authority, the latter authority can deal with the new interests when ascertaining the persons entitled to share in the compensation money.

New on-Licences.

County
Licensing
Committee
abolished.

44. The powers of the County Licensing Committee are transferred to Quarter Sessions. Sect. 4 (1). This Committee will cease to be appointed. New licences will still require confirmation, but the confirming authority will be a Statutory Committee appointed by Quarter Sessions

under Sect. 5 (2), and its numbers need not be limited as now to twelve.

45. Additional powers of much importance are given to the licensing Justices in regard to new "on"-licences. They *may* impose conditions as to (1) the payments to be made for the licence; (2) the tenure of the licence; and (3) any other matters, *as they think proper in the interests of the public*. Sect. 4 (2.) One of the *other matters* may be the surrender of existing licences, that being clearly in the interests of the public. No conditions can of course be imposed to secure purely local benefits, or for private or charitable objects.

New on-
licences—
optional
conditions.

The meaning of the words *tenure of the licence* is not clear. They can scarcely refer to the length of the licence—whether annual or for a term of years—as that is specifically provided for in Sub-sect. (3). Do they enable the licensing Justices to impose conditions as to the nature and extent of the tenure of the licensee in the licensed premises? This would, however, be covered by the words *any other matters*, as would also a condition designed to check the further spread of the "tied-house" system. An early-closing or a six-days' licence is a limited grant, and cannot properly be called a licence upon conditions.

Meaning of
"tenure of
licence."

46. The licensing Justices *must* impose conditions to secure to the public the monopoly value of the licence—that is, the difference between the value of the house as licensed and its value without a licence. Sect. 4 (2) (a). To ascertain this value some sort of enquiry must be held, with the same expert assistance as in the enquiries by the compensation authority already dealt with.

Obligatory
conditions—
monopoly
value.

The amount of the payments imposed must not exceed the monopoly value. Sect. 4 (2) (b).

Surrenders of existing licences have, of course, a money value, but they cannot take the place of the statutory payments required as representing the monopoly value of the new licence. There seems however to be no legal objection to requiring surrenders, as a condition relating to some

Surrenders.

other matter. Not being a payment, a surrender would not infringe Sub-sect. (b).

Assessing
monopoly
value.

It will be difficult to arrive at the value of a licence not in existence, coupled with conditions the financial effect of which is unknown. After a few years' experience, some practical mode of overcoming the difficulty will no doubt be found. If the assessment and collection of the payment to be made were left to the end of the year, there would be a risk of getting nothing if the trade were unsuccessful. But this risk might be met by taking a bond with sureties from the licensee.

In estimating the monopoly value regard is to be had to proper provision for suitable premises and good management, and profits not derived from the sale of intoxicants are not to be considered. Sect. 4 (2) (a).

New on-
licences
renewable
annually.

47. A new on-licence may be granted as an annual licence, or for a term not exceeding seven years. Sect. 4 (3). In the former case the licensing Justices will have the same powers of granting or refusing a renewal on any ground (including the wants of the neighbourhood) as they had before the new Act—the absolute discretion explained in *Sharp v. Wakefield*. If the renewal be opposed, the procedure laid down in the Acts of 1872 and 1874 must be followed, and the licensee can appeal to Quarter Sessions; but if the licence be ultimately refused no compensation will be payable.

A new annual on-licence of course requires confirmation.

In the case of an annual licence there is no provision for enforcing the fulfilment of any condition during the currency of the licence.

New on-
licences for
a term.

48. When a new on-licence is granted for a term, upon the expiration of the term any application for a re-grant is to be treated as an application for a new licence, which, if granted, must be sent up to the confirming authority for confirmation. Sect. 4 (3) (a). If the re-grant be refused by the licensing Justices, there would be no appeal and no compensation.

The payments to be made for securing to the public the monopoly value of a licence for a term will be more difficult to assess than in the case of an annual licence. The better course, if it were possible, would be to fix only the first year's payment and leave the second and subsequent payments to be fixed at the end of the preceding year. But this cannot be done, as all the conditions of the licence must be expressed in it, and be dealt with on confirmation.

Monopoly
value of
term licences.

Licensing Justices will probably be very chary of granting new on-licences subject to annual renewal. Claims to prescriptive rights having grown up, though without legal foundation, under the Act of 1828, there is no reason why similar claims should not be made, in course of time, under the Act of 1904. It might, and no doubt, would be said at the end of every year that unless some change had taken place in the circumstances or the neighbourhood, the licence ought to be renewed. Moreover, the refusal to renew a new annual on-licence will be subject to an appeal to Quarter Sessions.

It is possible that a new on-licence might be granted for a term of one year only, if the intention be clearly expressed, but probably no one would accept a term licence for so short a period, except for a special purpose, such as an exhibition.

The nearest approach to an annual licence would be a licence granted for a term of two years. By this means the licensing Justices would retain in their own hands complete control over the licence.

49. The transfer of an on-licence granted for a term will take effect for the remainder of the term, and may be granted at an Annual Licensing Meeting as well as at Special Sessions. Sect. 4 (3) (b).

Transfer of
on term
licences.

In respect of term licences, any reference to Special Sessions in any enactment relating to transfers or protection orders is to include a reference to the Annual Licensing Meeting. Sect. 4 (3) (b). A careful perusal of the

Special
Sessions to
include
Annual
Meeting for
term licences.

section will shew that this is not a general enactment applicable to all licences.

Application
of sums
received for
new on-
licences.

50. Sums received in respect of new on-licences will not be carried to the compensation fund, but will be collected and dealt with as the duties on local taxation licences, under Sect. 20 of the Local Government Act, 1888. Sect. 4 (4). The local rates will receive the benefit, but the amount will not be sufficient to create any undue demand from the ratepayers for new on-licences.

The confirmation authority, on the confirmation of a new licence, are to send particulars of it and of the payments imposed, to the Commissioners of Inland Revenue, by whom the amounts will be collected. R. 46.

Forfeiture of
on term
licences.

51. On-licences granted for a term may be forfeited in the same way as any other licences. They may also be forfeited by order of a Court of Summary Jurisdiction, if (1) any condition imposed by Sect. 4 of the new Act is not complied with, or if (2) the licensee is convicted of an offence committed by him as such. Sect. 4 (5).

These powers are only permissive, and will be exercisable in the Metropolitan Police Courts District by the Police Magistrates. There is a right of appeal against the order to Quarter Sessions, under the Licensing Act, 1872, s. 52, and the Summary Jurisdiction Acts.

The owner of a house, the licence of which is forfeited under this section, will have the same rights as an owner under section 15 of the Act of 1874. The nature and extent of these rights have been elucidated by the recent decision of *Chambers v. Tower Justices*, 1904, 2 K.B. 903.

Variation of
conditions
of new on-
licences.

52. The confirming authority may vary any conditions attached to a new on-licence, but only with the consent of the licensing Justices. Sect. 4 (6).

When the confirming authority desire to vary the conditions, they are to send to the licensing Justices a statement of the proposed variations, with their reasons for them. The licensing Justices are to hold a special meeting

to consider the proposed variations, and are to send to the confirming authority their decision with respect to them. R. 46, 47.

53. Some doubt has been expressed whether the removal, under Sect. 50 of the Act of 1872, of an existing on-licence will constitute a new licence under the Act of 1904. It is submitted that it will. Sect. 50 of the Act of 1872 provides that upon an application for the removal of a licence notices must be given as for a new licence. The Justices cannot make the order of removal unless they are satisfied that no objection is made by the owner of the premises to which the licence is attached. Subject to this the section declares that the licensing Justices shall have the same power to make an order of removal as they have to grant new licences.

Are removal
orders new
licences?

It has been urged that the definition of *new licence* in the Act of 1872 is modified by the definition of *existing on-licence* in the new Act. A removal order under Sect. 50 of the Act of 1872 is of no force until it is confirmed. It is thus impossible that any removal order can in future come within the definition of an *existing on-licence*, that is *a licence in force at the date of the passing of this Act*—15th August, 1904. The definition goes on to include a licence transferred to any other person, but does not refer to a licence transferred or removed to another place.

These legal questions may be avoided if the licensing Justices let it become known that applications for removal orders under Sect. 50 of the Act of 1872 will be more favourably entertained if they take the form of applications for ordinary new licences. No general resolution must, however, be passed, and the Justices must be careful not to decline jurisdiction under Sect. 50.

Officers of the Compensation Authority.

54. A Secretary of State is empowered by the Act to make rules for the employment of officers for the purposes of the Act. Sect. 6 (d).

Officers of
compensation
authority.

Clerk of Committees.

The Clerk of the Peace will be *ex officio* clerk to any Committee appointed by Quarter Sessions in any County, and in a County Borough the Clerk to the licensing Justices will be *ex officio* clerk to any Committee appointed by those Justices. R. 48 (1).

Special provisions are made for the City of London and certain County Boroughs. R. 48 (2).

The acts of a duly appointed deputy are to have the same effect as if done by the Clerk. R. 48 (3).

Treasurer and other officers.

The compensation authority are to appoint a Treasurer, who is to give security, unless the Treasurer is a bank. R. 49 (1).

The authority may also, with the consent of the Secretary of State, appoint other officers. R. 50.

Remuneration of officers.

55. The remuneration of the Clerk, Treasurer and other officers will be fixed by the authority, subject to the approval of the Secretary of State. R. 51. The amount will be payable out of the compensation fund. Sect. 3 (5).

Need of officers for renewal authority.

56. Although the Act enables the Secretary of State to make rules for the employment of officers *for the purposes of this Act* (Sect 6) (d), the rules recently made provide only for the employment of officers for the compensation authority. The renewal authority will also require officers, in addition to their Clerks, to procure the necessary evidence and materials for preparing their reports, and for other purposes under the Act.

Metropolitan Police.

The licensing Justices in the Metropolitan Police District are much in need of officers to perform duties which, outside the metropolis, are carried out, in part by the County or Borough Police, and in part by the County or Borough Surveyors. The police of the metropolis are not under the control of any municipal authority, and the licensing Justices can give them no instructions. The statistical and other information obtained by the Surrey Justices from the County police in the Farnham case, and by the Justices of Birmingham and of other large towns from the Borough

police—information which led to the suppression of many licences—is wholly out of the reach of Justices of the County of London. Nor have they power to direct the police to cause a suspected house to be watched, and at present they have no officers of their own to employ for the purpose. The aid received by the licensing Justices from the metropolitan police is limited—and there are no doubt good reasons for it—to reports of convictions, cautions, recorded complaints, and the result of enquiries as to the character of proposed licensees.

An implied duty is cast by the Act upon the licensing Justices to satisfy themselves of the structural suitability and efficiency of the licensed houses within their district. To carry out this duty properly the services of a Surveyor are necessary. His remuneration may well be considered as an expense incurred by licensing Justices under the Act.

Employment
of Surveyor
to report on
structure.

Division of Area.

57. Quarter Sessions may divide their area into districts for the purposes of the Act. Sect. 5 (1).

Division of
Quarter
Sessions area.

When this power is exercised, notice of the fact is to be published by advertisement, specifying the districts, and a similar notice is to be sent to the Secretary of State and the Commissioners of Inland Revenue. R. 52.

The object of this provision may be to enable Quarter Sessions to exempt areas in which large reductions in the number of licensed houses have been made by voluntary action on the part of the owners, in co-operation with the licensing Justices. The power may also be used to omit in any year a certain area—say a Petty Sessional Division—from the compensation rate, on the ground that no licences in that area require extinction in that year. This would make the rate burdensome on the congested areas, which are generally the poorer districts. The power might be used to vary the rate of charge in each divided area.

Delegation to Committees of Powers of Quarter Sessions.

Delegation of
powers to
Committees.

58. Quarter Sessions *may* delegate any of their powers or duties to a Committee. Except in the case of a county borough, they *shall* so delegate the powers, (1) of confirming new licences; (2) of determining any question as to the refusal of a renewal under the Act; and (3) matters consequential thereon. Sect. 5 (2).

It would seem that a separate Committee may be appointed for confirming new licences, but probably it will be found more convenient to have only one Committee to deal with all matters compulsorily delegated.

The Statutory
Committee.

The effect of this sub-section is that throughout the Act, the words *Quarter Sessions* must, in most cases, be understood to mean the Statutory Committee to whom the powers (2) and (3) are to be delegated. The Committee's acts and decisions will be supreme, and require no confirmation or adoption by the whole body of Justices. The Committee need not even make reports to Quarter Sessions, although no doubt they will do so, if only for the purpose of getting their proceedings recorded on the Quarter Sessions rolls.

Such being their powers, it is obvious that great care should be exercised in their appointment. Every Petty Sessional Division should be represented, so far as possible, in proportion to the number of licensed houses, or to population, or to rateable value. An exact proportion would give too strong a representation to the larger divisions. As the work will—at all events for some time—be somewhat heavy, the Statutory Committee should be large enough to allow of sub-Committees being appointed, who would, of course, have no power of independent action.

Powers not
delegated.

It may be doubtful whether the Statutory Committee can exercise the power of dividing the Quarter Sessions area into districts (Sect. 5 (1)), or of imposing charges (Sect. 3 (2)), or of borrowing on the compensation fund (Sect. 3 (5)), or of making rules (Sect. 5 (3)). It certainly

cannot appoint Statutory Committees, or delegate to itself or other Committees the powers of Quarter Sessions.

All powers which are by the rules to be exercised at the preliminary, principal and supplemental meetings, may be considered as compulsorily delegated.

Powers of preliminary and other meetings.

The Statutory Committee would appear to have much the same status as the old County Licensing Committee. The Act does not direct that evidence shall be given on oath, nor expressly empower the Committee to administer an oath. The Rules, however, provide that the compensation authority may, if and to such extent as they think fit, require any evidence to be given on oath. R. 37. It is very desirable that all evidence should be given on oath. The Committee will be a quasi-judicial body, and the Crown Office, following its practice in regard to the County Licensing Committee, will no doubt issue subpoenas to compel the attendance of witnesses and the production of documents.

Status of Statutory Committee.

It has been suggested that the Statutory Committee will, in fact, be Quarter Sessions, by which is meant apparently that the Committee will have all the powers of Quarter Sessions. It will not have the powers of a Court—still less of a Court of Record—for it is not a Court, but a Committee. It cannot, for example, issue subpoenas, and it probably will not be contended that it can commit for contempt. Nor can it state a Case for the opinion of the High Court. The position is, of course, anomalous, like that of the Justices at the Annual Licensing Meeting, but it is intelligible and workable.

Not a Court.

The procedure of the Committee will be regulated by the rules made by the Home Secretary, but these rules cannot, of course, alter its status or enlarge its jurisdiction.

Rules regulating its procedure.

59. Any meetings of Committees may be adjourned from time to time, and from place to place, the prescribed notice being given in certain cases. R. 38.

Adjournment of meetings.

60. Quarter Sessions may find it convenient to appoint other committees, under its permissive powers, to deal

Other Committees.

with matters not compulsorily delegated to the Statutory Committee. A committee of selection, to recommend names for the Statutory Committee, would seem desirable. Committees would also be necessary to bring up recommendations as to the exercise of the borrowing powers, to supervise the management and audit of the compensation fund, to recommend the rates to be fixed for the compensation charge, the appointment and remuneration of officers, the allowance of expenses, and possibly other matters. Some of these subjects may be considered to be delegated by the Act to the Statutory Committee, under the phrase *matters consequential thereon*.

Committees to
be Standing
Committees.

A Committee appointed by Quarter Sessions will be a Standing Committee, and will continue in office until their successors are appointed. Sect. 5 (2) and 6 (d), R. 53.

Quarter
Sessions
may make
rules as to
Committees.

61. Quarter Sessions, with the approval of a Secretary of State, may make rules as to the appointment of Committees and their number, quorum and procedure. Sect. 5 (3).

Any rules made by Quarter Sessions as to the procedure of its Committees will be subject to rules made by a Secretary of State on the same subject. Sect. 6 (e), R. 39.

Committees in
County
Boroughs and
other
Boroughs.

62. Special provisions are made by the Act as to the constitution of Committees in County Boroughs, and in Boroughs, not being County Boroughs, which have a separate commission of the peace. Sect. 5 (4 and 5).

Provision of a Compensation Fund.

Provision of a
compensation
fund.

63. In order to provide a compensation fund, Quarter Sessions are required each year, unless they certify to the Secretary of State that it is unnecessary to do so in any year, to impose on all existing on-licences charges at rates not exceeding the scale of maximum charges set out in the first schedule. Sect. 3 (1).

These charges are to be levied and paid as part of the excise duties, and the amount is to be paid over in each year to Quarter Sessions, under rules to be made by the Treasury. Sect. 3 (2).

The next excise duties will be payable on the 10th October, 1905, and the share representing the compensation fund will probably not reach Quarter Sessions much before January, 1906. Thus, unless the borrowing powers be immediately exercised, no licence can be extinguished under the Act until after the Annual Licensing Meeting to be held in February and March, 1906. It is important, however, that the compensation authority should know, as soon as possible, what number of licences are likely to be reported upon by the licensing Justices in March, 1906, so that an estimate may be formed of the amount required to be raised for the compensation fund, with a view to imposing the statutory charges in time to be levied by the Excise in October, 1905.

A Return printed by the House of Commons on the 3rd May, 1904, is annexed, showing for each County and County Borough approximately the maximum sum leviable under the Act. The amounts given are presumably annual sums. App. B., p. 85.

64. The licensing Justices are to certify, on the application of the licensees, places which are entitled to a reduced rate not less than one-third of the compensation rate charged in other cases. These places are specified in the foot-note to the first schedule.

Premises entitled to reduced rates to be certified by licensing Justices.

The licensing Justices are also to certify what the reduced rate should be in each case. *Ibid.*

And the amount of the reduced rate.

65. The deductions from rent authorised by the second schedule to the Act do not concern the licensing Justices. Sect. 3 (3).

Deductions from rent.

They only concern the compensation authority as an element to be taken into account in assessing the compensation money, when testing the reasonableness of the sum agreed upon for compensation.

Moneys
constituting
compensation
fund.

66. Sums paid to Quarter Sessions under the Act, or received by Quarter Sessions from any other source, for payment of compensation, are to be paid to a separate account, and the moneys will constitute the compensation fund. Sect. 3 (4).

The fees received by the clerk of the compensation authority are apparently the only *other source*. R. 58.

As Quarter Sessions, since the Local Government Act, 1888, are entirely without funds, the compensation fund would seem to be the only account possible.

Expenses of
Quarter
Sessions.

67. Any expenses incurred by Quarter Sessions under the Act are to be paid out of the compensation fund. Sect. 3 (5). They must be very considerable, for, in addition to the remuneration of officers, the fees of valuers and expert witnesses will be a large item.

Establishment
charges.

The compensation fund ought to pay, and the county or borough fund to receive, some proportion of the establishment charges in connection with the Sessions House or other county or borough building in which the meetings of the compensation authority are held.

Expenses of
the licensing
Justices.

The expenses of the licensing Justices, as allowed by Quarter Sessions, are also to be paid out of the compensation fund. These expenses would include obtaining materials on which to base their reports, the preparation of the reports and of evidence in support of them, the appearance before the compensation authority and consultations with that authority, and the cost of ascertaining the *monopoly value* of new licences.

Compensation
authority to
have regard
to funds
available.

68. In the exercise of their powers under the Act, Quarter Sessions are to have regard to the funds available for the purpose. Sect. 3 (5). This apparently must mean that they are not to spend more money than they have. They can only borrow with the consent of the Secretary of State. Sect. 3 (5).

The Administration of the Compensation Fund.

69. The Rules relating to the formation, administration and audit of accounts of the compensation fund deal with matters of detail which do not admit of being summarised, and are of interest chiefly to the officials whose duty it will be to carry them out.

Administra-
tion of com-
pensation
fund.

70. All sums received by the compensation authority under the Act are to be paid to the Treasurer of that authority. R. 57. It would be well to direct that a banking account be opened in the names of the treasurer or clerk and two members of the compensation authority, and that all sums due to the compensation fund be paid direct to the banking account, upon warrants issued by the treasurer. If all payments out of the fund are made only by cheque or signed order on the banking account, the treasurer would have no cash to deal with, except a small sum drawn from the fund from time to time for office expenses and petty disbursements.

Receipts to be
paid to
Treasurer.

71. Money payable out of the compensation fund is to be paid on an order signed by two members of the compensation authority and the treasurer, or if the treasurer is a bank, by the clerk of the compensation authority. R. 59.

Payments to
be made upon
signed orders.

72. Any fees paid to the clerk of the compensation authority are to be accounted for and paid over to the compensation fund. R. 58. These also could be paid direct, at proper intervals, to the banking account.

Fees to be
accounted for.

73. Any balance in excess of current requirements is to be placed on deposit at interest, or to be invested in trust securities, the interest being paid to the credit of the compensation fund. R. 60.

Investment of
balances.

74. A financial statement is to be prepared at the close of each year, in the form directed by the Secretary of

Annual
statement.

State, but the Rules do not provide for an estimate for the coming year. R. 61 (1).

The accounting year.

75. The accounts are to be made up for each calendar year, or for such other period as the compensation authority, with the approval of the Secretary of State, determine. R. 61 (2).

The most convenient period would be for the year ending the 10th October, on which date most of the excise licences expire.

Appointment of auditor and audit.

76. The compensation authority are to appoint as auditor a professional accountant, approved by the Secretary of State, and to fix the remuneration, subject to the like approval. R. 62.

A copy of the financial statement as audited and a copy of the auditor's report are to be sent to the Secretary of State. R. 64.

Borrowing by the Compensation Authority.

Borrowing on compensation fund.

77. Quarter Sessions are empowered to borrow, with the consent of a Secretary of State and under rules to be made by him, upon the security of the compensation fund, the money to be replaced within fifteen years. Sect. 3 (5) and 6 (b), R. 65.

Loans to be by mortgage.

78. Every loan is to be by way of mortgage of the compensation fund, signed by at least two members of the compensation authority, and by the treasurer, or if the treasurer is a bank, by the clerk. R. 67.

Forms of mortgage.

Three forms of mortgage are provided, according to whether the loan is repayable by means of a sinking fund, or by instalments of capital, or by instalments of capital and interest combined. R. 68, F, 26, A., B. and C.

Sinking fund.

79. Detailed provisions are made for establishing and dealing with the sinking fund, and for enforcing compliance with the Rules in regard to it. R. 69 and 70.

80. If the compensation authority make default for one month in paying an amount not less than fifty pounds in respect of any loan, a Receiver may be appointed by the County Court, and all necessary orders may be made. R. 71.

Appointment
of receiver.

Miscellaneous Provisions.

81. Except where special provision is made, documents of Quarter Sessions, the licensing Justices, or any committee will be sufficiently authenticated if signed by their clerk. Sect. 6 (f), R. 54.

Authentica-
tion of
documents.

82. Quarter Sessions are to make such returns as the Secretary of State may require with respect to their own action and that of the licensing Justices, and the confirmation authority are also to make returns as to new licences. Sect. 7.

Returns to
Secretary of
State.

The licensing Justices are not called upon to make any returns.

83. The area of Quarter Sessions for a County includes non-County Boroughs. Sect. 8 (1).

Provisions
for Boroughs
and the City
of London.

In County Boroughs the whole body of Justices are substituted for Quarter Sessions. Sect. 8 (2).

The City of London is to be deemed a County Borough Sect. 8 (3).

84. When the question of the renewal or transfer of a licence has been referred to the compensation authority, the Clerk of the renewal authority is to record the fact in the Register, and to enter particulars of the decision, and where compensation becomes payable, the date of the extinction of the licence. R. 8.

Entries in
Register.

85. The Rules contain various provisions of a more or less formal character as to the notices to be given, the mode of publishing them by advertisement, and of sending or serving them. R. 3 and 4.

Notices under
rules.

- Forms. 86. The forms scheduled to the Rules, or forms as near thereto as circumstances permit, are to be used. R. 5.
- Interpretation rules. 87. The Interpretation Act, 1889, is applied to the interpretation of the Rules. R. 2 (2).
- Short title, beginning and extent of Act. 88. The Act is to be cited as the Licensing Act, 1904, and is to be construed as one with the Licensing Acts, 1828 to 1902. It comes into operation on the 1st January, 1905, and does not extend to Scotland or Ireland. Sect. 10.
- Off-licences.*
- Off-licences how affected. 89. The Act does not apply to "off"-licences, except that new off-licences will go before the new confirming authority.
-

THE LICENSING ACT, 1904.

4 EDW. 7, CAP. 23.

An Act to amend the Licensing Acts, 1828 to 1902, in respect to the extinction of Licences and the grant of new Licences.
[15th August, 1904.]

SECTION 1.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The power to refuse the renewal of an existing on licence, on any ground other than the ground that the licensed premises have been ill-conducted or are structurally deficient or structurally unsuitable, or grounds connected with the character or fitness of the proposed holder of the licence, or the ground that the renewal would be void, shall be vested in quarter sessions instead of the justices of the licensing district, but shall only be exercised on a reference from those justices, and on payment of compensation in accordance with this Act.

Reference to quarter sessions of questions as to renewal of licences in certain cases.

In every case of the refusal of the renewal of an existing on licence by the justices of a licensing district, they shall specify in writing to the applicant the grounds of their refusal.

(2) Where the justices of a licensing district on the consideration by them, in accordance with the Licensing Acts, 1828 to 1902, of applications for the renewal of licences are of opinion that the question of the renewal of any particular existing on licences requires consideration on grounds other than those on which the renewal of an existing on licence can be refused by them, they shall refer the matter to quarter sessions, together with their report thereon, and quarter sessions shall consider all reports so made to them, and may, if they think it expedient, after giving the persons interested in the licensed premises, and, unless it appears to quarter sessions unnecessary, any other persons appearing to them to be interested in the question of the renewal of the

SECTIONS
2 AND 3.

licence of those premises (including the justices of the licensing district), an opportunity of being heard, and subject to the payment of compensation under this Act, refuse the renewal of any licence to which any such report relates.

Payment of
compensation
on non-
renewal of
licence.

2.—(1) Where quarter sessions refuse the renewal of an existing on licence under this Act, a sum equal to the difference between the value of the licensed premises (calculated as if the licence were subject to the same conditions of renewal as were applicable immediately before the passing of this Act, and including in that value the amount of any depreciation of trade fixtures arising by reason of the refusal to renew the licence), and the value which those premises would bear if they were not licensed premises, shall be paid as compensation to the persons interested in the licensed premises.

(2) The amount to be so paid shall, if an amount is agreed upon by the persons appearing to quarter sessions to be interested in the licensed premises and is approved by quarter sessions, be that amount, and in default of such agreement and approval shall be determined by the Commissioners of Inland Revenue in the same manner and subject to the like appeal to the High Court as on the valuation of an estate for the purpose of estate duty, and in any event the amount shall be divided amongst the persons interested in the licensed premises (including the holder of the licence) in such shares as may be determined by quarter sessions :

Provided that in the case of the licence holder regard shall be had not only to his legal interest in the premises or trade fixtures but also to his conduct and to the length of time during which he has been the holder of the licence, and the holder of a licence, if a tenant, shall (notwithstanding any agreement to the contrary) in no case receive a less amount than he would be entitled to as tenant from year to year of the licensed premises.

(3) If on the division of the amount to be paid as compensation any question arises which quarter sessions consider can be more conveniently determined by the county court, they may refer that question to the county court in accordance with rules of court to be made for the purpose.

(4) Any costs incurred by the Commissioners of Inland Revenue on an appeal from their decision to the High Court under this section shall, unless the High Court order those costs to be paid by some party to the appeal other than the Commissioners, be paid out of the amount to be paid as compensation.

Financial
provisions.

3.—(1) Quarter sessions shall, in each year, unless they certify to the Secretary of State that it is unnecessary to do so in any year, for the purposes of this Act impose in respect of

all existing on licences renewed in respect of premises within their area, charges at rates not exceeding, and graduated in the same proportion as, the rates shown in the scale of maximum charges set out in the First Schedule to this Act.

(2) Charges payable under this section in respect of any licence shall be levied and paid together with and as part of the duties on the corresponding excise licence, but a separate account shall be kept by the Commissioners of Inland Revenue of the amount produced by those charges in the area of any quarter sessions, and that amount shall in each year be paid over to that quarter sessions in accordance with rules made by the Treasury for the purpose.

(3) Such deductions from rent as are set out in the Second Schedule to this Act may, notwithstanding any agreement to the contrary, be made by any licence holder who pays a charge under this section, and also by any person from whose rent a deduction is made in respect of the payment of such a charge.

(4) Any sums paid under this Act to quarter sessions in respect of the charges under this section, or received by quarter sessions from any other source for the payment of compensation under this Act, shall be paid by them to a separate account under their management, and the moneys standing to the credit of that account shall constitute the compensation fund.

(5) Any expenses incurred by quarter sessions in the payment of compensation under this Act, or otherwise in the exercise of their powers or the performance of their duties under this Act, and such expenses of the justices of the licensing district incurred under this Act as quarter sessions may allow, shall be paid out of the compensation fund, and quarter sessions, in the exercise of their powers under this Act, shall have regard to the funds available for the purpose.

Quarter sessions may, with the consent of a Secretary of State, borrow in accordance with rules made under this Act, on the security of the compensation fund, for the purpose of paying any compensation payable under this Act.

4.—(1) The power of the County Licensing Committee to confirm new licences, and any other power of that committee shall be transferred to quarter sessions.

Provisions
as to new
licences.

(2) The justices, on the grant of a new licence, may attach to the grant of the licence such conditions, both as to the payments to be made and the tenure of the licence and as to any other matters, as they think proper in the interests of the public; subject as follows:—

(a) Such conditions shall in any case be attached as, having regard to proper provision for suitable premises and good management, the justices think best adapted for

SECTION 4.

securing to the public any monopoly value which is represented by the difference between the value which the premises will bear, in the opinion of the justices when licensed, and the value of the same premises if they were not licensed: Provided that, in estimating the value as licensed premises of hotels or other premises where the profits are not wholly derived from the sale of intoxicating liquor, no increased value arising from profits not so derived shall be taken into consideration:

- (b) The amount of any payments imposed under conditions attached in pursuance of this section shall not exceed the amount thus required to secure the monopoly value.

(3) The justices may, if they think fit, instead of granting a new on licence as an annual licence, grant the licence for a term not exceeding seven years, and where a licence is so granted for a term—

- (a) Any application for a re-grant of the licence on the expiration of the term shall be treated as an application for the grant of a new licence, not as an application for the renewal of a licence, and during the continuance of the term the licence shall not require renewal: and
- (b) Any transfer of the licence shall, subject to any conditions attached thereto on the grant, have effect for the remainder of the term of the licence, and may be granted at a general annual licensing meeting as well as at special sessions, and any reference to special sessions in any enactment relating to transfers or protection orders shall include a reference to the general annual licensing meeting.

(4) The amount of any payments made in pursuance of any conditions under this section shall be collected and dealt with in the same manner as the duties on local taxation licences within the meaning of section twenty of the Local Government Act, 1888.

(5) A licence granted for a term under this section may (without prejudice to any other provisions as to forfeiture) be forfeited, if any condition imposed under this section is not complied with, by order of a court of summary jurisdiction, made on complaint, or, if the holder of the licence is convicted of any offence committed by him as such, by the court by whom he is convicted, but where a licence is so forfeited the owner of the licensed premises shall have all the rights conferred on owners by section fifteen of the Licensing Act, 1874.

(6) On the confirmation of a new licence, the confirming authority may, with the consent of the justices authorised to grant the licence, vary any conditions attached to the licence under the provisions of this section.

SECTIONS
5 AND 6.

5.—(1) Quarter sessions may, if they think fit, divide their area into districts for the purposes of this Act, and in that case this Act shall operate as if those districts were separate areas for the purposes of this Act under the same quarter sessions.

Division of
area and
appointment
of committees
for purposes
of Act.

(2) Quarter sessions may delegate any of their powers and duties under this Act to a committee appointed in accordance with rules made by them under this section, and, except in a county borough, shall so delegate their power of confirming the grant of a new licence, and of determining any question as to the refusal of the renewal of a licence under this Act and matters consequential thereon, and county licensing committees shall cease to be appointed under the Licensing Act, 1872.

(3) Quarter sessions may make rules to be approved by a Secretary of State, for the mode of appointment of committees under this section, and for the number, the quorum, and (so far as procedure is not otherwise provided for) the procedure of those committees.

(4) The justices of a licensing district being a county borough shall exercise their powers under the Licensing Acts, 1828 to 1902, as to the renewal of licences through the borough licensing committee appointed under section thirty-eight of the Licensing Act, 1872, and such number as the whole body of justices acting in and for the borough determine shall be substituted for seven as the maximum number, and seven shall be substituted for three as the minimum number, of that committee.

35 & 36 Vict.,
c. 94.

(5) The justices of any borough, not being a county borough but having a separate commission of the peace, shall be entitled to appoint one of their number to act, with reference to the determination of any question as to the refusal of the renewal of a licence under this Act and any matters consequential thereon, on the committee appointed under this section by quarter sessions, and for those purposes any justice so appointed shall be deemed to be an additional member of the committee.

6. A Secretary of State may make rules for carrying into effect this Act, and may by those rules amongst other things—

Rules.

(a) provide for the provisional renewal of licences which are included in reports of the justices of a licensing district under this Act, and for consultation with those justices as to their reports, and for the time and

SECTIONS
7 TO 9.

- manner of the consideration of those reports and of the payment of compensation ; and
- (b) provide for the enforcement of any security given for money borrowed, and for the time, not exceeding fifteen years, within which money borrowed is to be replaced ; and
 - (c) regulate the management and application of the compensation fund and the audit of the accounts of quarter sessions ; and
 - (d) provide for constituting, where requisite, committees of quarter sessions standing committees, and for the employment of officers for the purposes of this Act ; and
 - (e) regulate the procedure of quarter sessions on the consideration of the reports of justices of a licensing district under this Act and on any hearing under this Act with reference to the refusal of the renewal of on licences or the approval or division of the amount to be paid as compensation ; and
 - (f) provide for the authentication of any documents on behalf of quarter sessions or their committees.

Returns to
Secretary of
State.

7. Quarter sessions, with respect to their own action and that of the justices of licensing districts under this Act, and the confirming authority, with respect to new licences granted under this Act, shall in each year make such returns to the Secretary of State as the Secretary of State may require.

Authorities
and areas.

8.—(1.) The area of quarter sessions for a county shall for the purposes of this Act include any borough (not being a county borough) or any part thereof which is locally situated in that county.

(2) This Act shall apply to a county borough as if it were a county, with the substitution for quarter sessions of the whole body of justices acting in and for the borough.

(3) The City of London for the purposes of this Act shall be deemed to be a county borough.

Application
of Act to
special cases,
and inter-
pretation.

9.—(1) The provisions of this Act shall apply to the transfer of an existing on licence as they apply to the renewal of an existing on licence, with the substitution of transfer for renewal.

(2) If the justices of a licensing district refuse to renew an existing on licence on the ground that the holder of the licence has persistently and unreasonably refused to supply suitable refreshment (other than intoxicating liquor) at a reasonable price, or on the ground that the holder of the licence has failed to fulfil any reasonable undertaking given to the justices on the grant or renewal of the licence, the justices

shall be deemed to have refused the licence on the ground that the premises had been ill-conducted :

Provided that where the justices, on an application for the renewal of an existing on licence, ask the licence holder to give an undertaking as aforesaid, they shall adjourn the hearing of the application, and cause notice of the required undertaking to be served upon the registered owner of the premises, and give him an opportunity of being heard.

(3) Section nineteen of the Wine and Beerhouse Act, 1869, and section seven of the Wine and Beerhouse Amendment Act, 1870, are hereby repealed, and, in the application of this Act to licences to which the said section nineteen extends, the grounds mentioned in section eight of the Wine and Beerhouse Act, 1869, shall be substituted for the grounds mentioned in this Act as the grounds on which the power to refuse the renewal of an existing on licence is reserved to the justices of a licensing district.

32 & 33 Vict.,
c. 27.
33 & 34 Vict.,
c. 29.

(4) In this Act—

The expression “county” includes any riding, part, or division of a county having a separate commission of the peace and a separate court of quarter sessions; and

The expression “quarter sessions” means, as respects a county, the court of quarter sessions for that county :

Provided that, where quarter sessions have customarily been held separately by adjournment or otherwise for any part of a county as defined by this Act, the Secretary of State may by order, on the application of the justices sitting at each such separate sessions, constitute for the purposes of this Act any part of the county for which quarter sessions are for the time being so separately held a separate county, and the justices usually sitting at such separate quarter sessions a separate quarter sessions, and make all necessary provisions for the administration of the Act in such a case :

The expression “on licence” means a licence for the sale of any intoxicating liquor (other than wine alone or sweets alone) for consumption on the premises, and the expression “new on license” shall be construed accordingly; and the expression “existing on licence” means an on licence in force at the date of the passing of this Act, and includes a licence granted by way of renewal from time to time of a licence so in force, whether such licence continues to be held by the same person, or has been or may be transferred to any other person or persons :

SECTION 10.

Provided that, where a provisional grant and order of confirmation of an on licence has been made before the passing of this Act under section twenty-two of the Licensing Act, 1874, and is subsequently declared to be final under that section, the licence shall, although not in force at the date of the passing of this Act, be deemed to be an existing on licence :

The expression "transfer" means a transfer under section four or section fourteen of the Alehouse Act, 1828.

9 Geo. 4.
c. 61.

Short title,
construction,
and com-
mencement.

10.—(1) This Act may be cited as the Licensing Act, 1904, and may be cited and shall be construed as one with the Licensing Acts, 1828 to 1902.

(2) This Act shall come into operation on the first day of January nineteen hundred and five.

(3) This Act shall not extend to Scotland or Ireland.



SCHEDULES.

SCHEDULE I.

SCHEDULE I.
Section 3.

SCALE OF MAXIMUM CHARGES.

Annual Value of Premises to be taken as for the purpose of the Publican's Licence Duty.										Maximum Rate of Charge.		
£		£								£	s.	d.
Under		15	-	-	-	-	-	-	-	1	0	0
15 and under		20	-	-	-	-	-	-	-	2	0	0
20	"	25	-	-	-	-	-	-	-	3	0	0
25	"	30	-	-	-	-	-	-	-	4	0	0
30	"	40	-	-	-	-	-	-	-	6	0	0
40	"	50	-	-	-	-	-	-	-	10	0	0
50	"	100	-	-	-	-	-	-	-	15	0	0
100	"	200	-	-	-	-	-	-	-	20	0	0
200	"	300	-	-	-	-	-	-	-	30	0	0
300	"	400	-	-	-	-	-	-	-	40	0	0
400	"	500	-	-	-	-	-	-	-	50	0	0
500	"	600	-	-	-	-	-	-	-	60	0	0
600	"	700	-	-	-	-	-	-	-	70	0	0
700	"	800	-	-	-	-	-	-	-	80	0	0
800	"	900	-	-	-	-	-	-	-	90	0	0
900 and over			-	-	-	-	-	-	-	100	0	0

The rate of charge in the case of an hotel or other premises to which sub-Section (4) of Section 43 of the Inland Revenue Act, 1880, applies shall be one-third of that charged in other cases, and, in the case of any licensed premises which are certified by the justices of the licensing district on the application of the holder of the licence to be used only as public gardens, picture galleries, exhibitions, places of public or private entertainment, railway refreshment rooms, bonâ fide restaurants or eating houses, or for any other purpose to which the holding of a licence is merely auxiliary, such rate, not less than one-third of that charged in other cases, as the justices think proper under the circumstances.

43 & 44 Vict.
c. 20.

N.B.—Sect. 43 (4) of the Inland Revenue Act, 1880, is as follows:—
“Where in the case of premises of the value of £50 or upwards it shall be proved to the satisfaction of the Commissioners that the premises are structurally adapted for use as an Inn or Hotel for the reception of guests and travellers desirous of dwelling therein, and are mainly so used, the amount of duty to be paid on a licence to retail spirits shall not exceed £20. Provided that the relief under this sub-Section shall not be given in case any portion of the premises is set apart and used as an ordinary publichouse for the sale and consumption therein of liquors, and the annual value of such portion in the opinion of the Commissioners, exceeds £25.”

SCHEDULE II.

Section 3.

SCHEDULE II.

SCALE OF DEDUCTIONS.

A person whose unexpired term does not exceed -		1 year may deduct } a sum equal to - }		100 per cent. of the charge.	
	2 years		88	"	"
	3 "		82	"	"
	4 "		76	"	"
	5 "		70	"	"
	6 "		65	"	"
	7 "		60	"	"
	8 "		55	"	"
	9 "		50	"	"
	10 "		45	"	"
	11 "		41	"	"
	12 "		37	"	"
	13 "		33	"	"
	14 "		29	"	"
	15 "		25	"	"
	16 "		23	"	"
	17 "		21	"	"
	18 "		19	"	"
	19 "		17	"	"
	20 "		15	"	"
	21 "		14	"	"
	22 "		13	"	"
	23 "		12	"	"
	24 "		11	"	"
	25 "		10	"	"
Exceeds 25 but does not exceed }		30 years		7	"
30	"	35	"	6	"
35	"	40	"	5	"
40	"	45	"	4	"
45	"	50	"	3	"
50	"	55	"	2	"
55	"	60	"	1	"

But the amount deducted shall in no case exceed half the rent.

STATUTORY RULES AND ORDERS, 1904.

No. $\frac{1791.}{L. 32}$

INTOXICATING LIQUOR, ENGLAND.

RULES MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, DATED DECEMBER 20, 1904, UNDER SECTION 6 OF THE LICENSING ACT, 1904. RULES 1 TO 3.

I hereby, in pursuance of Section 6 of the Licensing Act, 1904, make the following Rules :—

General Provisions.

1. These Rules may be cited as the Licensing Rules, 1904.

2.—(1) In these Rules—

“The Act” means the Licensing Act, 1904 :

“The compensation authority” means, as respects a county, the quarter sessions for that county, and, as respects a county borough, the whole body of Justices acting in and for the borough, and in either case includes, with regard to any matter delegated to a committee under sub-Section (2) of Section 5 of the Act, the committee to which the matter is delegated :

“The renewal authority” means the justices having power to renew a licence, or, where a committee of justices have power to renew a licence, that committee :

“The licensee” in respect of any licensed premises means the holder of the licence :

“The registered owner” in respect of any licensed premises includes any person whose name appears on the register of licences as the owner of those premises.

(2.) The Interpretation Act, 1889, applies for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

3. Any notice required to be published under these Rules by the compensation authority shall be published by advertisement in two local newspapers circulating in the area of that authority, and, if the authority think fit, in such further manner as the authority direct.

RULES 4 TO 7.

4.—(1.) Any notice or other document required or authorised to be sent for the purpose of these Rules shall be in writing.

(2.) Any notice or other document required or authorised by these Rules to be sent to an authority shall be deemed to be duly sent if sent by post addressed to the clerk of the authority at his usual office.

(3.) Any notice or other document required or authorised by these Rules to be sent by an authority may be sent by the clerk of that authority.

(4.) Any notice or other document required or authorised by these Rules to be sent to the licensee or the registered owner of any licensed premises otherwise than as a person entitled to compensation shall be deemed to be duly sent if sent by post addressed to the licensee or the registered owner at any address supplied for the purpose to the clerk of the compensation authority by that licensee or registered owner, or, if no such address is supplied, at the licensed premises.

(5.) Any notice or other document required or authorised by these Rules to be sent to a person entitled to compensation after the persons so entitled are ascertained under these Rules shall be deemed to be duly sent if sent by post addressed to that person at his registered address, or, if no registered address has been supplied, if so sent to such address as the clerk of the compensation authority, in the exercise of his discretion, believes to be the address of the person to whom the notice or document is to be sent.

5. The forms set out in the Schedule to these Rules, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

6. Any failure on the part of any authority or any person to comply with the provisions of these Rules with respect to any proceedings of or before the compensation authority shall not render those proceedings or anything done in pursuance thereof invalid unless the compensation authority so direct, but any such proceedings or anything so done may be set aside either wholly or in part, or confirmed, or may be amended or otherwise dealt with, on such terms as the compensation authority think fit.

Transmission of List of Referred Licences and Reports.

7. As soon as may be after the conclusion of the general annual licensing meeting in each year, and in any case before the thirtieth day of April, the renewal authority shall send to the compensation authority a list of any matters referred to the compensation authority under Section 1 of the Act,

together with their reports thereon, or, if there is no such reference, a notification to that effect.

RULES
8 TO 12.

8. Where the question of the renewal or transfer of any licence has been referred to the compensation authority, it shall be the duty of the clerk of the renewal authority to enter in the register of licences a record of that fact, and also to enter particulars of the decision of the compensation authority as to the renewal or transfer of the licence, and, in cases where compensation becomes payable, the date of the extinction of the licence.

Meetings.

(i.) Preliminary Meeting.

9. The compensation authority shall in each year, unless no reports have been received from renewal authorities before the thirtieth day of April, hold a meeting (in these Rules referred to as "the preliminary meeting") for the preliminary consideration of any reports from renewal authorities within their area.

The preliminary meeting may be held at any time after reports or notifications have been received from all those authorities, but shall in any case be held before the last day of May.

10. At the preliminary meeting the compensation authority shall consider, as a whole, and with regard to the funds at their disposal and the general circumstances and needs of their area, any reports received by them from the renewal authorities within their area.

11. (1) The compensation authority shall send to every renewal authority from whom a report has been received not less than seven days' notice of the date fixed for the preliminary meeting; and the chairman of any such renewal authority and any number of members of that authority, not exceeding two, appointed by the authority for the purpose, and any officer of that authority so appointed, shall have the right of attending the preliminary meeting for the purpose of consulting with the compensation authority as to the report of the renewal authority.

(2) This Rule shall not apply in a case where all the members of the renewal authority are also members of the compensation authority.

12. No person shall have a right to be present at the preliminary meeting other than the members of the compensation authority and the representatives of renewal authorities who have the right to attend for consultation in pursuance of

these Rules and any other person authorised by the compensation authority to attend.

13. If at their preliminary meeting the compensation authority, after considering the reports of the renewal authorities, decide, in the case of any licence to which any report relates, not to proceed upon the report in respect of that licence, the compensation authority shall, as soon as may be, send notice of their decision to the licensee and to the registered owner of the licensed premises affected thereby, and to the renewal authority.

(ii.) *Principal Meeting.*

14. The compensation authority shall (if requisite), as soon as may be after the conclusion of the preliminary meeting, hold a meeting (in these Rules referred to as "the principal meeting") for the purpose of coming to a final decision as respects any case of a licence referred to them by the renewal authority in which they have decided to proceed under the Act.

15. The compensation authority shall, not less than fourteen days before the day fixed for their principal meeting, publish notice of the time and place of the meeting, and shall also send a similar notice to the licensee and to the registered owner of the licensed premises affected, and to any renewal authority by whom any case to be dealt with at the meeting has been referred.

16. The licensee and the registered owner of any licensed premises in the case of which the compensation authority have decided to proceed under the Act, and any person who satisfies the clerk of the compensation authority that he is interested in the question of the renewal of the licence of any such premises shall, at any time after the close of the preliminary meeting, be entitled to obtain from the clerk of the compensation authority, on payment to the clerk of a fee to be fixed by the compensation authority, not exceeding fourpence for every folio or part of a folio, a copy of the part of the renewal authority's report which relates to those premises, or, if in the opinion of the clerk that part cannot be conveniently extracted, a copy of the whole of the report.

17. At the principal meeting the compensation authority shall deal with the cases before them in such order as they determine, but, if they think that the same facts and considerations are applicable to more than one case, may deal with those cases together, and on each case they shall give an opportunity of being heard to all persons to whom they are

required to give that opportunity under Section 1 of the Act.

18. The compensation authority shall, as soon as may be after they have decided upon any case, send notice of their decision to the renewal authority by whom the case has been referred, and to the licensee and to the registered owner of the licensed premises affected by the decision; and, if the renewal of the licence is refused, shall also send notice of their decision to the Commissioners of Inland Revenue.

19. The proceedings at the principal meeting shall be open to the public except during any private consultation of the members of the compensation authority among themselves.

20. Anything which may be done at a supplemental meeting under the provisions of these Rules may be done, if the compensation authority think it convenient, at the principal, instead of at a supplemental, meeting; but anything so done shall be provisional and subject to reconsideration for the purpose of giving effect to any decision of the compensation authority with respect to any claim, subsequently sent in under these Rules, of a person to be treated as a person interested in the licensed premises.

(iii.) *Supplemental Meetings.*

Ascertainment of Persons entitled to Compensation.

21. Where the compensation authority at their principal meeting decide to refuse to renew the licence of any licensed premises, they shall, as soon as may be, publish a notice specifying the licensed premises and stating that, if any person other than the licensee or the registered owner claims to be treated as a person interested in the licensed premises, he must, within twenty-one days after the publication of the notice, send to the compensation authority a written claim giving particulars of the interest claimed.

22. The persons interested in the licensed premises within the meaning of sub-Section (2) of Section 2 of the Act (in these Rules referred to as "the persons entitled to compensation.")

- (1) shall be deemed to be the licensee and the registered owner of the premises, if no claim to be treated as a person interested in the licensed premises is sent in to the compensation authority under these Rules; and
- (2) if a claim is so sent in, shall be deemed to be the persons who are determined to be the persons entitled to compensation, in accordance with these Rules.

RULES
23 TO 27.

23. Where a claim to be treated as a person interested in the licensed premises is sent in to the compensation authority under these Rules, that authority shall, as soon as may be, hold a supplemental meeting for considering the claim, and, not less than seven days before the day fixed for the meeting, send notice of the time and place of the meeting to the licensee and to the registered owner of the licensed premises and to the claimant and to any other person who has made a claim with respect to those premises.

24. The licensee and the registered owner of the licensed premises, and any person who has made a claim under these Rules with respect to those premises, shall at any time before the meeting be entitled to obtain from the clerk of the compensation authority copies of any claim relating to those premises sent to that authority under these Rules, on payment to the clerk of a fee to be fixed by the compensation authority, not exceeding fourpence for every folio or part of a folio.

25. At any meeting so held the compensation authority shall, after giving the licensee and the registered owner of the licensed premises, and the claimant and any other person who has made a claim with respect to those premises, if present, an opportunity of being heard with reference to the claim, decide on the validity of the claim and, after all the claims with respect to those premises have been disposed of, determine who are the persons entitled to compensation within the meaning of these Rules with respect to those premises.

26. Each of the persons entitled to compensation shall supply to the clerk of the compensation authority the address to which any notice or other document which is to be sent to him under these Rules is to be directed, and that address is in these Rules referred to as his registered address.

Approval of Compensation Money when agreed, and Settlement of Shares.

27. The compensation authority shall, after the time limited by the Rules for the sending in of claims has elapsed, hold a supplemental meeting for the purpose of considering whether their approval should be given to any sum agreed upon by the persons entitled to compensation and submitted to them as the money to be paid as compensation (in these Rules referred to as "compensation money"), and of settling the shares in that compensation money; and at that meeting shall give any person entitled to compensation an opportunity of being heard with respect to those matters.

Any such supplemental meeting may, if the compensation authority think fit, be held on the same day as a supplemental meeting for the determination of the persons entitled to compensation.

28. The compensation authority shall, if the meeting is to be held on the same day as the meeting for the determination of the persons entitled to compensation, include in the notice of the latter meeting a statement to that effect, and, if not, send, not less than seven days before the day fixed for the meeting, notice of the time and place of the meeting to the persons entitled to compensation.

29. Where the persons entitled to compensation agree upon a sum to be submitted to the compensation authority as the amount of compensation money, a written statement to that effect containing the sum agreed upon, signed by or on behalf of all those persons, must be lodged with the compensation authority at the meeting or previously thereto.

30.—(1) At the meeting the compensation authority shall, if an agreement as to the sum to be paid as compensation money is submitted to them for their approval, consider whether their approval shall be given to that sum, and, if their approval is so given, shall proceed to settle the shares of the persons entitled to compensation in that sum.

(2) If the amount of compensation money remains to be determined otherwise than by means of an agreement approved by the compensation authority, the compensation authority shall either adjourn the meeting until the amount of the compensation money has been so determined, in order that the shares of the persons entitled to compensation may subsequently be settled with reference to the actual amount so determined, or, if they think fit and are of opinion that no person's claim will be prejudiced thereby, proceed to fix the proportions in which the compensation money, when the actual amount is determined, is to be divided amongst those persons.

(3) Where the proportions in which the compensation money is to be divided when the actual amount is determined are fixed under this Rule by the compensation authority, the clerk to the compensation authority shall, as soon as may be after the amount has been determined, settle the amount of the respective shares of the persons entitled to compensation, in accordance with the proportions so fixed.

31. If the amount of compensation money remains to be determined otherwise than by means of an agreement approved by the compensation authority, the compensation authority shall send a notice of the fact to the Commissioners of Inland Revenue, accompanied by a statement of the names and addresses of the persons entitled to compensation.

RULES
32 TO 37.

32. In cases where the amount of compensation money is determined otherwise than by means of an agreement approved by the compensation authority, the compensation authority may, before the amount of the shares is settled under these Rules, require that a certificate of the Inland Revenue Commissioners as to the amount determined as compensation money, or such other evidence of that amount as they think sufficient, be lodged with them.

33. The amount (if any) of any costs incurred by the Commissioners of Inland Revenue on an appeal from their decision and not otherwise provided for shall be paid by the compensation authority to the Commissioners of Inland Revenue out of the compensation fund ; and before the shares of the persons entitled to compensation in the compensation money are settled, either by the compensation authority at their adjourned meeting or by the clerk in accordance with the proportions fixed by the compensation authority, a deduction shall be made from the amount of compensation money divisible equal to the amount so to be paid to the Commissioners.

Payment of Compensation Money.

34. As soon as may be after the shares in which the amount of compensation money is to be divided have been settled, the compensation authority shall send notice to the persons entitled to compensation that the compensation money is payable, and fix a day, not less than two weeks nor more than six weeks after the date of the notice, for the payment of the amount of the respective shares in the compensation money.

35. On the day fixed the compensation authority shall pay to each person entitled to compensation his share of the compensation money, by sending to him an order on the compensation fund, the payment of which is made conditional on the signature of the form of receipt attached thereto.

36. The compensation authority shall, at the same time as they send notice to the persons entitled to compensation of the day fixed for payment of the compensation money, send a similar notice to the renewal authority and to the superintendent or other chief officer of police of the district in which the licensed premises in respect of which the compensation is paid are situate.

General Provisions as to Meetings.

37. The compensation authority may, if and to such extent as they think fit, require any evidence given before them at any meeting held under these Rules to be given on oath.

38. Any meetings required under these Rules to be held by the compensation authority may be adjourned from time to time and from place to place, so far as necessary for the final conclusion of the business to be transacted at those meetings ; and the compensation authority shall, if the meeting is adjourned for more than fourteen days, publish notice of the day and time fixed for the adjourned meeting, and shall send a similar notice to any persons to whom notice of the original meeting is required by these Rules to be sent, or, if the questions to be decided at the adjourned meeting affect only the persons entitled to compensation, to those persons.

39. Subject to the provisions of these Rules, the proceedings at any meeting of the compensation authority shall be in accordance with Rules made by that authority under sub-Section (3) of Section 5 of the Act.

40. Nothing in these Rules shall prevent the reference of any question to the county court by the compensation authority under sub-Section (3) of Section 2 of the Act ; and where any question is so referred the decision of the county court thereon shall for the purposes of these Rules be treated as the decision of the compensation authority.

Provisional Renewal of Licences.

41. Where, under Section 1 of the Act, the renewal authority refer the question of the renewal of a licence to the compensation authority, the renewal authority shall grant the renewal of the licence in accordance with the terms of the application, but shall insert in the licence a statement as to the renewal of the licence being provisional.

42. If the compensation authority refuse the renewal of any licence the renewal of which is provisional, or, in a case where the renewal is provisional in consequence of the reference to the compensation authority of the question of the transfer of the licence, refuse the transfer of the licence, the licence shall cease to have effect as from the expiration of the seventh day after the date fixed under these Rules for the payment of the compensation money.

43. Where compensation becomes payable in the case of a licence provisionally renewed, and it appears to the renewal authority at the next general annual licensing meeting after the licence has been provisionally renewed that the compensation money has not been paid and is not likely to be paid before the next fifth day of April, they shall, on a proper application being made for the purpose at that meeting, grant

RULES
44 TO 46.

a further provisional renewal of the licence in accordance with the foregoing Rules.

Provisional Transfer of Licences.

44. Where under Section 1 of the Act as applied by sub-Section (1) of Section 9 the justices of a licensing district refer the question of the transfer of a licence to the compensation authority, those justices shall grant a transfer of the licence in accordance with the terms of the application, but shall insert in the transfer a statement as to the transfer being provisional.

45. Where the question of the transfer of a licence is so referred to the compensation authority, the report of the justices with respect to the transfer shall be transmitted to the compensation authority at the close of the next general annual licensing meeting, and the compensation authority shall consider that report together with the reports of renewal authorities as to the renewal of licences, and the provisions of these Rules shall apply accordingly :

Provided that—

- (1) Any renewal of the licence at the general annual licensing meeting shall, whether the question of the renewal is referred to the compensation authority or not, be provisional only, and the provisions of these Rules as to provisional renewal shall apply accordingly ; and
- (2) If the licence is extinguished by reason of the refusal of the renewal authority to renew the licence on grounds on which the power to refuse is reserved to them under the Act, the case shall not be proceeded with ; and
- (3) The compensation authority, in dealing with the question of the transfer, shall have special regard to the circumstance that the renewal authority at their general annual licensing meeting have, or have not, referred to them the question of the renewal of the licence.

New Licences.

46. The confirming authority on the confirmation of a new on-licence shall, as soon as may be after the licence is confirmed, send a notice to the Commissioners of Inland Revenue containing particulars of the premises in respect of which the new licence is granted, and of the amount of any payments imposed under the conditions attached to the grant of the licence, and of the duration of the licence if the licence is granted for a term.

47.—(1) Where the confirming authority desire to vary under sub-Section (6) of Section 4 of the Act any conditions attached to the grant of a new licence, they shall send to the justices authorised to grant the licence a statement of the variations proposed by them, together with their reasons for the proposed variations.

(2) As soon as may be after the receipt of any such statement the justices shall hold a meeting, of which special notice shall be given to each acting justice, for the purpose of considering and, if they think fit, consenting to the proposed variations.

(3) The justices shall send notice of their decision with respect to the proposed variations, as soon as may be, to the confirming authority.

(4) The consent of the justices authorised to grant a new licence may be given to the variations proposed by the confirming authority at the meeting at which the variations are proposed, if the justices authorised to grant the new licence are all members of the confirming authority and a number of those justices is present equal to the number which would constitute a quorum of those justices for the purpose of granting a new licence.

Officers.

48.—(1) The clerk of the peace shall be *ex officio* clerk to any committee appointed by quarter sessions under or for the purpose of the Act in a county, and in a county borough the clerk to the licensing justices shall be *ex-officio* clerk to any committee appointed by those justices under or for the purposes of the Act.

(2) Where in the city of London, or in any county borough, more than one person acts as clerk to the whole body of justices, the person who acts as clerk for the purpose of their licensing business shall act as clerk to those justices for all purposes of the Act.

(3) Anything which under these Rules is authorised or required to be done by the clerk of the compensation authority shall, if done by his deputy duly appointed, be of the same effect for the purposes of these Rules as if it were done by the clerk.

49.—(1) The compensation authority shall appoint some person or some bank to be their treasurer, and the treasurer (if not a bank) shall give to the compensation authority such security as they may require.

(2) On the appointment of any person or bank to be the treasurer in pursuance of this Rule, the compensation authority shall send a notification of the appointment to the Commissioners of Inland Revenue.

RULES
50 TO 56.

50. The compensation authority may, with the consent of the Secretary of State, appoint such other officers (if any) as they think necessary for the proper performance of the duties of the authority.

51. The remuneration of the clerk, and of the treasurer and any other officers appointed under these Rules shall be such as may be fixed by the compensation authority with the consent of the Secretary of State.

Division of Area.

52. Where the compensation authority divide their area into districts for the purposes of the Act, they shall forthwith publish notice of the fact specifying the districts into which the area is divided, and shall also send a similar notice to the Secretary of State and to the Commissioners of Inland Revenue.

Committees of Quarter Sessions to be Standing Committees.

53. A committee appointed by quarter sessions under Section 5 of the Act shall be deemed to be a standing committee of the quarter sessions by whom they were appointed for the period for which they are appointed, or, if no period is fixed, until their successors are appointed, and their jurisdiction and proceedings shall not be affected by the termination of the sessions at which they were appointed.

Authentication of Documents.

54. Except where special provision is made in pursuance of any Act or under these Rules, any documents shall, for the purposes of the Act, be sufficiently authenticated on behalf of quarter sessions, or the justices of a licensing district, or any committee acting under the Act, if purporting to be signed by their clerk.

Compensation Fund.

55. Where the compensation authority determine to impose any charges under Section 3 of the Act, they shall publish notice of their determination and of the rate of charge determined upon, and shall also send a similar notice to the Commissioners of Inland Revenue.

56.—(1) Where in the case of any licensed premises a rate of charge less than the rate charged in other cases is, on the application of the holder of a licence, authorised by the justices of a licensing district under the note contained in the First Schedule to the Act, the clerk of the justices shall give a certificate of their decision to the applicant and also send a

copy of the certificate to the Commissioners of Inland Revenue and to the compensation authority.

(2) Special notice shall be sent by the clerk of the justices of a licensing district to every acting justice of any meeting at which any application under the note contained in the First Schedule to the Act is to be considered.

57. All sums received by the compensation authority in respect of charges under the Act, or from any other source for the payment of compensation, shall be paid to the treasurer of the compensation authority and credited by him to the compensation fund.

58. Any fees paid under these Rules to the clerk of the compensation authority for furnishing copies of any document shall be accounted for by him and paid into the compensation fund.

59. Money authorised by the compensation authority to be paid out of the compensation fund shall not be paid except on an order signed by two members of the compensation authority and by the treasurer of that authority or, if the treasurer is a bank, the clerk of that authority.

60. It shall be the duty of the compensation authority to see that any balance, in excess of current requirements, standing to the credit of the compensation fund is placed on deposit at interest, or invested in any manner authorised by law for investments by trustees, and that the interest thereon is paid to the credit of the compensation fund.

61.—(1) It shall be the duty of the compensation authority to cause proper accounts to be kept in connection with the compensation fund, and a financial statement to be prepared at the close of each year in the form directed by the Secretary of State.

(2) The accounts shall be made up for each calendar year, or for such other period as the compensation authority, with the approval of the Secretary of State, determine.

Audit.

62.—(1) The compensation authority shall appoint a professional accountant, approved by the Secretary of State, to be the auditor of their accounts.

(2) The auditor may be appointed for a term not exceeding three years, but a retiring auditor shall be eligible for re-appointment.

(3) The remuneration of the auditor shall be such as may be fixed by the compensation authority with the consent of a Secretary of State.

RULES
63 TO 69.

63. As soon as may be after the close of the year for which the accounts are made up, the compensation authority shall submit to the auditor for examination the detailed accounts, together with the vouchers and authorities for receipts and payments, and shall also submit, for the auditor's certificate, the annual financial statement required by these Rules.

64. A copy of the financial statement, as certified by the auditor, shall be sent by the compensation authority to the Secretary of State, together with a copy of any report made by the auditor in regard thereto.

Borrowing by the Compensation Authority.

65. All money borrowed shall be re-paid within such period, not exceeding fifteen years, as the Secretary of State shall determine in each case.

66. Every application for the consent of the Secretary of State to the borrowing of money shall state (a) the period for which it is proposed that the loan should run, (b) the proposed rate of interest, (c) the reasons which in the opinion of the compensation authority render the borrowing as proposed advisable, and (d) an estimate of the proportion which the annual amount required for the service of the loan will bear to the total annual amount which can be raised under the Act in their area if the maximum charges are imposed.

67. Every loan raised under the Act shall be by way of mortgage of the compensation fund signed by at least two members of the compensation authority and by the treasurer of that authority or, if the treasurer is a bank, the clerk of that authority.

68. The compensation authority shall provide for the repayment of every loan either by equal yearly or half-yearly instalments of principal or of principal and interest combined, or by means of a sinking fund established in accordance with these Rules.

69. Where a loan is to be repaid by means of a sinking fund, the compensation authority shall establish a sinking fund as follows :—

- (1) Such equal yearly or half-yearly sums shall be paid into the sinking fund in each year as, being accumulated at compound interest will, in the opinion of the Secretary of State, at the expiration

- of some period not longer than the period for which the loan is authorised be sufficient, after payment of all expenses, to discharge the loan ;
- (2) The first of such payments shall be made within one year from the date of the loan ;
 - (3) All sums paid into the sinking fund shall, as soon as may be, be invested by the compensation authority in securities in which trustees are, for the time being, by law authorised to invest, and any investments made in pursuance of this provision may from time to time be varied or transposed ; and all dividends and other annual sums received in respect of any investments shall, as soon as may be after they are received, be paid into the sinking fund and invested by the compensation authority in like manner ;
 - (4) The compensation authority may from time to time apply the sinking fund, or any part thereof, in or towards the discharge of the loan for which it was created, and until that loan is discharged shall not apply the sinking fund, or any part thereof, for any other purpose ;
 - (5) Any surplus of the sinking fund remaining after the discharge of the loan for which it was created shall be paid into some other sinking fund under the control of the compensation authority, or, if there is no such other sinking fund, into the compensation fund ;
 - (6) Where any part of the sinking fund is employed in paying off any part of the loan before the period for which the loan is authorised, the interest which would otherwise be payable on that part of the loan shall be paid into the sinking fund and invested as hereinbefore provided.

70. If it appears to the Secretary of State that the compensation authority have failed to comply with the provisions of these Rules with respect to the sinking fund, he may, if he thinks fit, after hearing the compensation authority, if they desire to be heard, by order direct the compensation authority to remedy the default, and the compensation authority shall comply with any order so made.

71.—(1) Where a compensation authority makes default for a period of one month in paying an amount of not less than fifty pounds (whether in one sum or separate sums) for the time being due in respect of any loan raised under the Act, the persons entitled to the said amount, or any of those persons,

FORM 1

may, without prejudice to any other remedy, apply to the county court of the district in which the office of the treasurer of the compensation authority is situated for the appointment of a receiver; and any receiver so appointed (subject to any direction which may be given by the court) shall, as occasion requires, pay out of the compensation fund any sum the payment of which is so in default, together with all sums due while he is receiver on or in respect of any such loan, and all costs, charges, and expenses incurred in or about the appointment of such receiver, and the execution of his duties under this Rule, including a proper remuneration for his trouble, and for that purpose may raise such sums as are necessary by means of charges under Section 3 of the Act.

(2) The receiver shall have the same power (to be exercised subject to and in accordance with the provisions of these Rules) as the defaulting compensation authority have, of imposing charges under Section 3 of the Act, for the purpose of raising any money which he is required by this Rule to pay, and shall have such access to and use of the documents of the defaulting authority relative to the charges as he may require.

(3) The county court may remove the receiver and appoint another in his stead, and make such orders and give such directions as to the powers and duties of the receiver, and otherwise as to the disposal of the moneys received by him, as may be thought fit for carrying this Rule into effect.

A. AKERS-DOUGLAS,

One of His Majesty's Principal
Secretaries of State.

Home Office,
December 20th, 1904.

SCHEDULE.

FORMS.

FORM 1.

The Licensing Act, 1904.

List of Licences referred by the Renewal Authority.
Licensing District of

To the compensation authority for the area comprising the above district.

At the general annual licensing meeting holden at
on the day of for the above-named licensing
district we, being the renewal authority for the said district, decided to

refer to you, under Section 1 of the Licensing Act, 1904, the question of the renewal of the licences held in respect of the premises specified below :—

FORMS
2 AND 3.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

Report.

In connection with the question so referred, we report as follows :—

[Signed on behalf of the renewal authority.]

Clerk of the renewal authority.

Dated

FORM 2.

The Licensing Act, 1904.

Notice of Preliminary Meeting.

County [*or* County Borough] of

To the renewal authority of the licensing district of

Notice is hereby given that the preliminary meeting to be held pursuant to the Licensing Rules, 1904, by the compensation authority for the above area will be held at _____ day of _____ (a).

Your attention is called to Rule 11 of the Licensing Rules, 1904.

[Signed]

Clerk of the compensation authority.

Dated

(a) This must be a day not less than seven days after the date of the notice and earlier than the last day of May.

Form 3.

The Licensing Act, 1904.

Notice of Decision at Preliminary Meeting not to proceed with any Case.

County [*or* County Borough] of

To the renewal authority of the licensing district of

[*or* To A.B., the licensee [*or* the registered owner] of the premises known as _____, and specified in the subjoined list].

Notice is hereby given that at their preliminary meeting held on the _____ day of _____ the compensation authority for the above area, decided not to proceed

FORM 4

upon the report of the renewal authority so far as regards the licences [*or* licence] of the licensed premises specified in the subjoined list, and in consequence no further proceedings will now be taken by the compensation authority in respect of the licences [*or* licence] of those premises.

List of Premises.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

[Signed]

Clerk of the compensation authority.

Dated

FORM 4.

A. Form of Public Notice.

The Licensing Act, 1904.

Notice of Principal Meeting.

County [*or* County Borough] of

Notice is hereby given that the principal meeting to be held pursuant to the Licensing Rules, 1904, by the compensation authority for the above area, will be held at _____ on the _____ day of _____ (a).

(a) This must be a day not less than fourteen days after the date of the notice.

And notice is hereby also given that the compensation authority will at the meeting be prepared to hear, with reference to the renewal of the licences of the several premises specified in the subjoined list, all those persons to whom under the Licensing Act, 1904, they are bound to give an opportunity of being heard; that is to say, the persons interested in any licensed premises in question and, unless it appears to the compensation authority unnecessary, any other persons appearing to them to be interested in the question of the renewal of the licence of those premises (including the justices of the licensing district.)

List of Licensed Premises.

Name and Situation of Premises.	Nature of Licence.	Licensee.

[Signed]

Clerk of compensation authority.

Dated

FORM 4.

FORMS
4 AND 5.B. *Form of Notice to Special Persons and Authorities.*

The Licensing Act, 1904.

Notice of Principal Meeting.

County [*or* County Borough] ofTo *A.B.*, the licensee [*or* the registered owner] of the premises known as , and specified in the subjoined list.[*Or* To the renewal authority for the licensing district of .]

Notice is hereby given that the principal meeting to be held pursuant to the Licensing Rules, 1904, by the compensation authority for the above area will be held at on the day of (a).

And notice is hereby also given that the compensation authority will at the meeting be prepared to hear, with reference to the renewal of the licences of the several premises specified in the subjoined list, all those persons to whom under the Act they are bound to give an opportunity of being heard; that is to say, the persons interested in any licensed premises in question and, unless it appears to the compensation authority unnecessary, any other persons appearing to them to be interested in the question of the renewal of the licence of those premises (including the justices of the licensing district).

[(b) Your attention is also called to Rule 20 of the Licensing Rules, 1904.]

[(c) It will be noticed that the renewal authority are entitled to be heard at this meeting.]

(a) This must be a day not less than fourteen days after the date of the notice.

(b) To be added when the notice is sent to the licensee or registered owner.

(c) To be added when the notice is sent to the renewal authority.

List of Licensed Premises.

Name and Situation of Premises.	Nature of Licence.	Licensee.

[Signed]

Clerk of the compensation authority.

Dated

FORM 5.

The Licensing Act, 1904.

Notice of Decision at Principal Meeting.

County [*or* County Borough] ofTo *A.B.*, the licensee [*or* the registered owner] of the premises specified below.[*Or* To the renewal authority for the Licensing District of .][*Or* (a) To the Commissioners of Inland Revenue.]

Notice is hereby given that the compensation authority for the above area, at their principal meeting held on the day of

(a) Only where the renewal of a licence has been refused.

FORM 5.

[and the day of] decided, in pursuance of their powers under the above Act, to refuse [*or* not to refuse] the renewal of the licence of the premises specified below.

(b) To be added where the renewal of the licence is refused and the notice is sent to the licensee or registered owner.

[(b) Compensation becomes therefore payable, and your attention is called to Rules 21 to 36 of the Licensing Rules, 1904.]

The premises above referred to.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

[Signed]

Clerk of compensation authority.

Dated

FORM 6.

The Licensing Act, 1904.

Notice as to sending in Claims to be treated as persons interested in Licensed Premises.

County [*or* County Borough] of

Notice is hereby given that, the compensation authority for the above area having decided at their principal meeting held on the day of

[and the day of] to refuse the renewal of the licence of the premises specified below, all persons claiming to be interested in the said premises for the purpose of the payment of compensation under the said Act (other than the licensee and the registered owner of the said premises) are required to send to the compensation authority notice of their claims before the day of (a) for the purpose of enabling the compensation authority to ascertain in manner provided by the Licensing Rules, 1904, the persons entitled to compensation under the said Act in respect of the said premises.

(a) This must be a day twenty-one days after the date of the publication of the notice.

Notice of claims must be given in the form annexed, and may be sent to the clerk of the compensation authority at his office at

Licensed Premises.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

[Signed]

Clerk of compensation authority.

Dated

FORM 7.

FORMS
7 AND 8.

The Licensing Act, 1904.

Notice of Claim to be treated as a person interested in Licensed Premises.

County [*or* County Borough] of

To the compensation authority for the above area.

Notice is hereby given that I, *A. B.*, of _____, claim to be interested for the purpose of the payment of compensation under the Licensing Act, 1904, in the licensed premises known as _____ and specified below.

The particulars of my claim are as follows:—

[The claimant must give full particulars of his claim and specify any instrument or document on which he relies.]

Licensed Premises in respect of which the claim is made.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

[Signature of Claimant.]

Dated _____

FORM 8.

The Licensing Act, 1904.

Notice of Supplemental Meeting to consider claims.

County [*or* County Borough] of

To *A.B.*, the licensee of [*or* the registered owner of] [*or* a person having made a claim to be treated as a person interested for the purpose of the payment of compensation under the Licensing Act, 1904, in] the premises known as _____ and specified below.

Notice is hereby given that claims of persons claiming to be treated as persons interested in the above licensed premises for the purpose of the payment of compensation under the Licensing Act, 1904, have been made in respect of those premises, as shown below, and that the compensation authority for the above area, will hold a meeting on the _____ day of _____,

(a) in pursuance of the Licensing Rules, 1904, for the purpose of considering those claims and of determining who are the persons entitled to compensation.

(a) This must be a day not less than seven days after the date of the notice.

[If it is intended on the same day to hold a further meeting for considering the question of approving any amount agreed as compensation money, and for settling the shares in the compensation money, add : And notice is further hereby given that at the close of that meeting the compensation authority will hold a further meeting for considering whether, if a proper agreement

FORM 9.

as to the sum to be submitted to the compensation authority for their approval as the amount of the compensation money is lodged with them, their approval shall be given to that sum, and further for settling the shares, or fixing the proportions, in which the compensation money is to be divided among the persons entitled to compensation.

Any agreement as to the sum to be submitted to the compensation authority for their approval as the amount of compensation money must be in the form prescribed by the Licensing Rules, 1904, and must be lodged with the compensation authority either at the meeting or previously.]

You should attend the meeting if you desire to state your views in relation to these matters, or any of them, to the compensation authority.

Licensed Premises in respect of which Claims have been received.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Licensee.	Names and Addresses of Registered Owners.	Names and Addresses of Claimants.

[Signed]

Clerk of the compensation authority.

Dated

FORM 9.

The Licensing Act, 1904.

Notice of Supplemental Meeting to settle Shares in the Compensation Money.

County [or County Borough] of

To A.B., of , a person entitled to compensation under the Licensing Act, 1904, in the licensed premises known as , and specified below.

Take notice that a meeting of the compensation authority for the above area, will be held at on the day of

(a) This must be a day not less than seven days after the date of the notice.

(a) for the purpose of considering whether, if a proper agreement as to the sum to be submitted to the compensation authority for their approval as the amount of compensation money in respect of the said premises is lodged with them, their approval shall be given to that sum, and further for the purpose of settling the shares, or fixing the proportions, in which the said compensation money is to be divided among the persons specified below.

Any agreement as to the sum to be submitted to the compensation authority for their approval as the amount of compensation money must be in the form prescribed by the Licensing Rules, 1904, and must be lodged with the compensation authority at the meeting or previously.

You should attend the meeting if you desire to state your views in relation to these matters, or any of them, to the compensation authority.

*Licensed Premises above referred to.*FORMS
10 AND 11.

Names and Situation of Premises.	Nature of Licence.	Names and Registered Addresses of Persons entitled to Compensation.

[Signed]

Clerk of the compensation authority.

Dated

FORM 10.

The Licensing Act, 1904.

Agreement as to the Sum to be submitted to the Compensation Authority for their approval as the Amount of Compensation Money.

County [*or* County Borough] of

We, whose names are subscribed hereto, being the several persons entitled to compensation under the Licensing Act, 1904, and the Rules made under that Act, in respect of the licensed premises specified below, have agreed that the sum of _____ should be submitted to the compensation authority for their approval as the compensation money to be paid in respect of the said premises.

Licensed Premises above referred to.

Names and Situation of Premises.	Nature of Licence.	Names and Addresses of Persons entitled to Compensation.

[Signatures of the persons interested or of their agents.]

Dated

FORM 11.

The Licensing Act, 1904.

Notice to the Commissioners of Inland Revenue that the amount of the Compensation Money remains to be determined by them.

County [*or* County Borough] of

To the Commissioners of Inland Revenue :—

We beg to acquaint you that in default of the agreement and approval mentioned in sub-Section (2) of Section 2 of the Licensing Act, 1904, the amount to be paid under the Act as compensation in respect of the premises specified below remains to be determined by you.

The names and addresses of the persons entitled to compensation are stated below.

FORM 12.

*Licensed Premises above referred to.**Persons entitled to compensation.*

Name.	Address.

[Signed on behalf of the compensation authority.]

Clerk of the compensation authority.

Dated

FORM 12.

The Licensing Act, 1904.

Notice of Dates for Payment of Compensation Money and Expiration of Licence.

County [*or* County Borough] ofTo *A.B.*, a person entitled to compensation under the Licensing Act, 1904, in respect of the premises specified below.[*Or* To the renewal authority for the licensing district of .][*Or* To the superintendent [*or* chief officer] of police for the district of .]

Notice is hereby given that compensation under the Licensing Act, 1904, in respect of the licensed premises specified below has now become payable, and that the respective shares in the compensation money of the persons entitled to compensation in respect of the said premises will be paid to them on the day of (*a*), and that the licence provisionally renewed in respect of the said premises will therefore expire on the day of (*b*).

(*a*) This must be a day not less than two weeks nor more than six weeks after the date of the notice.

(*b*) The seventh day after the date fixed for payment.

Licensed Premises above referred to.

Name and Situation of Premises.	Nature of Licence.	Names and Addresses of Persons entitled to Compensation.

[Signed]

Clerk of the compensation authority.

Dated

FORM 13.

The Licensing Act, 1904.

Order for payment out of the Compensation Fund.

County [*or Borough*] of

Order No.

SUB,—

The Bank,
authorised to pay to you the sum of
and pence, being [*as the case may be*].

Branch, has been
shillings

Payment will be made on presentation of this notification with the form
of receipt hereunder duly signed by you.

This Document must be presented through a Bank.

[*Signed*]

Two of the Members of the Compensation
Authority for the above area.

Treasurer [*or Clerk*] of the Compensation
Authority.

To

Dated

£

:
:

RECEIPT FOR AMOUNT PAID.

(*Not to be detached.*)

I acknowledge to have received the above
amount.

Signature and Stamp.

STAMP.

FORMS
14 TO 17.

FORM 14.

The Licensing Act, 1904.

Notice of Adjourned Meeting.

County [*or* County Borough] of

To

(a) Specify then nature of the meeting.

Notice is hereby given that the (a) meeting of the compensation authority for the above area which was adjourned on the day of day of , [and the day of ,] will be continued at on the day of day of (b)

(b) Notice of an adjournment need not be given unless the meeting is adjourned for more than fourteen days.

[Signed]

Clerk of the compensation authority.

Dated

FORM 15.

Statement to be inserted in a Licence provisionally renewed.

NOTE.—This licence is granted provisionally pursuant to the Licensing Act, 1904, and the Rules made under that Act.

If the compensation authority to whom the question of the renewal [(a) *or* transfer] of the licence of the above-mentioned premises has been referred under that Act, refuse the renewal [(a) *or* transfer] of the licence, the licence will cease to have effect, if then in force, as from the expiration of the seventh day after the date, to be subsequently fixed in pursuance of those Rules, for the payment of compensation.

(a) To meet cases where the renewal is provisional in consequence of the reference of a question of transfer.

FORM 16.

Statement to be inserted in a Licence further provisionally renewed.

NOTE.—This licence is granted provisionally pursuant to the Licensing Act, 1904, and the Rules made under that Act; and, inasmuch as the compensation authority to whom the question of the renewal [(a) *or* transfer] of the licence of the above-mentioned premises was referred under the Act have refused the renewal [(a) *or* transfer] of the licence, the licence will cease to have effect as from the expiration of the seventh day after the date to be subsequently fixed in pursuance of those Rules, for the payment of compensation.

(a) To meet cases where the renewal is provisional in consequence of the reference of a question of transfer.

FORM 17.

Statement to be inserted in a Provisional Transfer.

NOTE.—This transfer is granted provisionally pursuant to the Licensing Act, 1904, and the Rules made under that Act, and is conditional on the decision of the compensation authority with respect thereto. If a renewal of the licence is granted at the next general annual licensing meeting, that renewal will also be provisional in pursuance of those Rules.

FORM 18.

FORMS
18 AND 19.

The Licensing Act, 1904.

Licences the question of the transfer of which is referred to the
Compensation Authority.

Licensing district of

To the compensation authority for the area comprising the above
district.

At the sessions holden at _____, on the _____ day of
19____, for the above-named licensing district, the
justices decided to refer to you, under Section 1, as applied by sub-
Section (1) of Section 9, of the Licensing Act, 1904, the question of
the transfer of the licence held in respect of the premises specified below.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

Report.

In connection with the above, the justices desire to report as follows:—

[Signed]

Clerk to the licensing Justices.

[The clerk will add a note stating, as respects any licence comprised in the
list, whether the renewal of the licence has been referred to the compensation
authority as well as the question of the transfer.]

FORM 19.

The Licensing Act, 1904.

Particulars with respect to new Licences.

County [or Borough] of

To the Commissioners of Inland Revenue.

We beg to forward to you the following particulars as to the grant of
a new on-licence in respect of the premises specified below confirmed
by us as the confirming authority for the above area on the
day of

Premises above referred to.

Particulars of Payments imposed.

Duration of Licence.

[Signed on behalf of the confirming authority.]

Clerk of the confirming authority.

Dated

FORM 20.

FORM 20.

A.

The Licensing Act, 1904.

Statement of variations in conditions proposed by the confirming authority.

County [*or* Borough] of

To the justices authorised to grant new licences in the licensing district of

Notice is hereby given that the confirming authority for the above area desire that the conditions attached by you to the licence granted in respect of the premises specified below, should be varied as follows:—

The reasons for the proposed variations are as follows:—

The Premises above referred to.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Proposed Licensee.

[*Signed*]

Clerk of the confirming authority.

Dated

FORM 20.

B.

The Licensing Act, 1904.

Notice of Meeting to consider variations in conditions proposed by the confirming authority.

Licensing district of

To *A.B.*, one of the justices having power to grant new licences in the above district.

Notice is hereby given that a meeting of the justices having power to grant new licences in the above district will be held at _____ on the _____ day of _____ for the purpose of considering, and if thought fit, consenting to the variations proposed by the confirming authority in the conditions attached to the licence granted in respect of the premises specified below.

The Premises above referred to.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Proposed Licensee.

The following is a copy of the variations so proposed and of the reasons given :—

[Signed]

Clerk of the justices.

Dated _____

Form 20.

C.

The Licensing Act, 1904.

Notice to confirming authority of decision of justices having power to grant new licences as to proposed variations in conditions.

Licensing district of _____

To the confirming authority for the county [or borough] of _____

Notice is hereby given that the justices having power to grant new licences in the above district at a meeting held on the _____ day of _____ decided with respect to the variations proposed by you as confirming authority in the conditions attached to the licence granted in respect of the premises specified below as follows :—

The Premises above referred to.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Proposed Licensee.

[Signed]

Clerk of the justices.

Dated _____

FORMS
21 AND 22.

FORM 21.

A.—*Form of Public Notice.*

The Licensing Act, 1904.

Notice of Division of Area.

County [*or* County Borough] of

Notice is hereby given that the compensation authority for the above area have by resolution divided their area for the purpose of the Licensing Act, 1904, into the following districts, that is to say [*give particulars of the composition of the districts*].

[*Signed*]

Clerk of the compensation authority.

Dated

B.—*Form of Notice to Special Authorities.*

The Licensing Act, 1904.

Notice of Division of Area.

County [*or* County Borough] of

To the Secretary of State for the Home Department [*or* To the Commissioners of Inland Revenue].

We beg to inform you that we, as the compensation authority [*&c., as in Form A*].

[*Signed on behalf of the compensation authority.*]

Clerk of the compensation authority.

Dated

FORM 22.

A.—*Form of Public Notice.*

The Licensing Act, 1904.

Notice of Imposition of Charges under Section 3 of the Act.

County [*or* County Borough] of

Notice is hereby given that the compensation authority for the above area have imposed under Section 3 of the Licensing Act, 1904, for the year charges in respect of licencees at the following rate [*state the proportion which the rate imposed bears to the maximum rate of charge under the Act*]; and charges on the premises affected will be levied and paid accordingly as part of the duties on the corresponding excise licencees.

[*Signed*]

Clerk of the compensation authority.

Dated

B.—*Form of Notice to the Commissioners of Inland Revenue.*FORMS
23 AND 24.

The Licensing Act, 1904.

Notice of Imposition of Charges under Section 3 of the Act.

County [*or* County Borough] of

To the Commissioners of Inland Revenue.

We beg to inform you that we, as the compensation authority for the above area, have imposed, under Section 3 of the Licensing Act, 1904, for the year _____ charges in respect of licences at the following rate [*state the proportion which the rate imposed bears to the maximum rate of charge under the Act*].

[*Signed on behalf of the compensation authority.*]

Clerk of the compensation authority.

Dated

FORM 23.

The Licensing Act, 1904.

Notice of Appointment of Treasurer.

County [*or* County Borough] of

To the Commissioners of Inland Revenue.

We beg to inform you that we, as the compensation authority for the above area, have appointed _____ of _____ to be our treasurer for the purposes of the Licensing Act, 1904.

[*Signed on behalf of the compensation authority.*]

Clerk of the compensation authority

Dated

FORM 24.

The Licensing Act, 1904.

Notice of Meeting to consider Applications under the Note to the First Schedule of the Act.

Licensing District of

To *A.B.*, one of the justices acting in and for the above district

Notice is hereby given that a meeting of the licensing justices of the above district will be held at _____, on the _____ day of _____, for the purpose of considering an application for a certificate under the Note to the First Schedule of the Licensing Act, 1904, in respect of the licensed premises specified below.

FORMS 25
AND 26.

Licensed Premises above referred to.

Name, Situation and Description of Premises.	Name of Licensee.

[Signed]

Clerk of the justices.

Dated

FORM 25.

The Licensing Act, 1904.

Certificate of Licensing Justices under the Note to the First Schedule
of the Act.

Licensing District of

We, being the licensing justices of the above district, hereby certify
that the licensed premises specified below are used only as
[state whether public gardens, picture galleries, or as the case may be], and
we are of opinion that [state the proportion to be charged]
of the rate charged in other cases is the proper rate of charge under the
Licensing Act, 1904, in respect of the said premises.

Licensed Premises above referred to.

Name, Situation and Description of Premises.	Name of Licensee.

[Signed on behalf of the Licensing Justices.]

Clerk of the justices.

Dated

FORM 26.

Mortgage of Compensation Fund.

FORM A.

Where provision is made for Repayment by means of a Sinking Fund.

By virtue of the Licensing Act, 1904, we, being the compensation
authority for the county [or county borough] of _____ in
consideration of the sum of _____ paid to us by A.B. of _____

, hereby charge our compensation fund under the said Act with payment to the said *A.B.* of the said sum of together with interest for the same at the rate of per cent. per annum, the interest to be paid on the day of , &c. [*specify the days for payment*] in each year.

Form 26.

And it is hereby declared that the said principal sum is repayable on the day of in the year 190 .

Provided that the said principal sum or any part thereof may, notwithstanding anything herein contained, be paid off at an earlier time which may be agreed upon by us and the said *A.B.*

FORM 26.

FORM B.

Where the Loan is to be repaid by means of Instalments of Capital.

By virtue of the Licensing Act, 1904, we, being the compensation authority for the county [*or county borough*] of , in consideration of the sum of paid to us by *A.B.* of

, hereby charge our compensation fund under the said Act with the payment to the said *A.B.* of the said sum of or of so much thereof as shall for the time being remain unpaid together with interest for the same at the rate of per cent. per annum, the interest to be paid on the day of , &c., [*specify the days for payment*] in each year.

And it is hereby declared that the said principal sum of shall be repaid by equal yearly [*or half-yearly*] instalments of in each of the years 19 to 19 , both inclusive, such sums to be paid on the day of [and the day of] in each of those years.

FORM 26.

FORM C.

Where the Loan is to be repaid by means of Instalments of Capital and Interest combined.

By virtue of the Licensing Act, 1904, we, being the compensation authority for the county [*or county borough*] of , in consideration for the sum of , paid to us by *A.B.* of

, hereby charge our compensation fund under the said Act, with payment to the said *A.B.* in each of the years 19 to 19 , both inclusive, of the sum of £ on the day of in each of these years [*or, if the instalments are half-yearly, with the payment of the sum of on the day of and the day of in each of the years 190 to 190 , both inclusive*].

Signature to be attached to whichever of the three Forms A., B., or C. is used.

Dated this day of one thousand nine hundred and

[*Signatures of Two Justices, and of the Treasurer (or where the Treasurer is a Bank, the Clerk of the Authority).*]

APPENDIX A.

RETURN MADE TO HOUSE OF COMMONS, 3rd MAY, 1904.

APPENDIX A. SHORT STATEMENT as to the PROCEDURE followed by the BOARD OF INLAND REVENUE in ascertaining the VALUE of PROPERTY for the purposes of ESTATE DUTY.

THERE is no special basis provided by statute for valuing licensed houses for the purpose of estate duty, and accordingly the valuation of licensed houses comes under the general rule applicable to all property, which is laid down by sub-Section (5) of Section 7 of the Finance Act, 1894, namely:—

“The principal value of any property shall be estimated to be the price which in the opinion of the Commissioners such property would fetch if sold in the open market at the time of the death of the deceased.”

The effect, therefore, is that the ordinary rules of valuation apply.

The manner in which the value of an estate, including a licensed house, is ascertained by the Board of Inland Revenue for the purposes of estate duty is under Section 7 (8) of the Act of 1894, such as the Board choose to adopt, and for the purpose of ascertaining that value they may require accounts, statements, and forms to be delivered and verified on oath, and may also require the production of books and documents. (*See* Section 8 (5), (14) of the Act of 1894.)

The manner in which compensation under the Bill is determined will follow these lines, subject to the adoption of the basis of valuation laid down by sub-Section (1) of Clause 2 of the Bill, namely, the difference between the two values set out in that sub-Section.

APPENDIX B.

RETURN MADE TO HOUSE OF COMMONS, 3rd MAY, 1904.

STATEMENT showing for each COUNTY and COUNTY BOROUGH the NUMBER of PUBLICAN'S LICENCES and BEERHOUSE LICENCES, and approximately the MAXIMUM SUM leviable under the LICENSING BILL in each AREA.

LICENCES.

NOTE.—The County Boroughs of Rotherham and West Hartlepool, created on 1st April, 1903, do not appear as county boroughs in this return.

ENGLAND AND WALES.

COUNTIES.	Number of Publican's Spirit Licences, including Hotels.	Number of Beerhouse Licences.	Approximate Total of Amounts Leviable under the Bill.
	1.	2.	3.
ENGLAND.			£
1. Bedford	592	390	4,386
2. Berks	715	332	5,547
3. Buckingham	866	422	4,612
4. Cambridge (exclusive of Isle of Ely)	553	327	3,598
5. Cambridge (Isle of Ely)	239	293	1,639
6. Chester	1,173	634	18,572
7. Cornwall	685	89	4,219
8. Cumberland	1,051	118	7,956
9. Derby	1,202	461	15,213
10. Devon	1,428	201	9,475
11. Dorset	609	192	4,236
12. Durham	1,682	359	25,601
13. Essex	1,365	654	20,942
14. Gloucester	815	671	8,264
15. Hants (or Southampton)	1,055	520	9,964
16. Isle of Wight	313	55	3,397
17. Hereford	372	121	3,030
18. Hertford	922	634	7,826
19. Huntingdon	268	241	993
20. Kent	2,267	1,097	35,910
21. Lancaster	2,557	1,882	61,424
22. Leicester	769	162	6,224
23. Lincoln, Holland	275	168	2,035
24. Lincoln, Kesteven	384	141	2,340
25. Lincoln, Lindsey	507	173	4,000
26. London	5,486	2,118	251,212
27. Middlesex (exclusive of the County of London)	738	499	18,946

APPENDIX B.

COUNTIES.	Number of Publican's Spirit Licences, including Hotels.	Number of Beerhouse Licences.	Approximate Total of Amounts Leviable under the Bill.
	1.	2.	3.
ENGLAND— <i>continued.</i>			
			£
28. Monmouth	640	302	7,661
29. Norfolk	1,322	392	7,858
30. Northampton (exclusive of the Soke of Peterborough)	615	217	4,272
31. Northampton (Soke of Peter- borough)	107	80	1,427
32. Northumberland	816	114	12,655
33. Nottingham	720	157	7,128
34. Oxford	604	260	3,463
35. Rutland	69	51	440
36. Salop... ..	838	294	6,960
37. Somerset	1,009	574	9,511
38. Stafford	1,925	1,532	29,187
39. Suffolk, Eastern Division	532	240	4,996
40. Suffolk, Western Division... ..	409	209	3,333
41. Surrey	975	440	17,343
42. Sussex, Eastern Division	519	209	8,600
43. Sussex, Western Division	466	217	4,959
44. Warwick	865	291	10,789
45. Westmorland	235	29	1,854
46. Wilts	749	243	6,078
47. Worcester	883	407	11,177
48. Yorks, East Riding... ..	489	60	2,996
49. Yorks, North Riding	1,058	88	7,397
50. Yorks, West Riding	2,716	1,170	45,492
WALES.			
51. Anglesey	177	2	721
52. Brecon	316	61	1,539
53. Cardigan	277	9	803
54. Carmarthen	705	61	2,212
55. Carnarvon	398	13	3,048
56. Denbigh	403	156	3,095
57. Flint... ..	386	75	2,119
58. Glamorgan	1,287	413	21,559
59. Merioneth	123	5	689
60. Montgomery	213	25	1,053
61. Pembroke	455	7	1,488
62. Radnor	103	12	519
Total Counties	52,292	21,369	796,032

COUNTY BOROUGH.	Number of Publican's Spirit Licences, including Hotels.	Number of Beerhouse Licences.	Approximate Total of Amounts Leviable under the Bill.
	1.	2.	3.
ENGLAND.			
			£
63. Barrow-in-Furness	59	39	2,067
64. Bath	168	68	2,593
65. Birkenhead	145	94	4,140
66. Birmingham	646	855	29,324
67. Blackburn	249	119	5,328
68. Bolton	146	285	7,850
69. Bootle	48	8	1,785
70. Bournemouth	50	4	1,812
71. Bradford (Yorks)	275	330	11,307
72. Brighton	306	229	7,747
73. Bristol	464	511	10,879
74. Burnley	84	91	3,185
75. Burton	102	78	1,949
76. Bury	85	111	2,764
77. Canterbury	139	9	929
78. Chester	153	41	2,424
79. Coventry	272	6	2,559
80. Croydon	117	74	3,705
81. Derby	258	93	5,542
82. Devonport	124	85	2,491
83. Dudley	222	55	1,927
84. Exeter	155	14	2,342
85. Gateshead	131	42	3,679
86. Gloucester	121	61	2,143
87. Great Grimsby	53	43	1,956
88. Great Yarmouth	220	94	3,763
89. Halifax	127	162	3,349
90. Hanley	59	172	3,245
91. Hastings	135	40	3,952
92. Huddersfield	166	109	3,972
93. Ipswich	133	127	2,401
94. Kingston-upon-Hull	298	159	9,384
95. Leeds	343	384	15,975
96. Leicester	292	162	8,983
97. Lincoln	114	28	1,727
98. Liverpool	1,735	236	36,557
99. Manchester	490	1,638	34,445
100. Middlesbrough	78	35	3,275
101. Newcastle-on-Tyne	382	158	13,486
102. Newport (Mon.)	93	75	3,657
103. Northampton	86	207	3,017
104. Norwich	543	36	4,236
105. Nottingham	413	187	11,400
106. Oldham	190	201	6,072
107. Oxford	125	92	2,629
108. Plymouth	140	151	5,134
109. Portsmouth	323	456	6,542
110. Preston	208	184	5,579
111. Reading	117	113	2,590

APPENDIX B.

COUNTY BOROUGHs.	Number of Publican's Spirit Licenses, including Hotels.	Number of Beerhouse Licenses.	Approximate Total of Amounts Leviable under the Bill.
	1.	2.	3.
ENGLAND— <i>continued.</i>			
			£
112. Rochdale	142	153	3,653
113. St. Helen's	144	85	2,630
114. Salford	113	382	7,220
115. Sheffield	522	624	16,259
116. Southampton	222	242	4,902
117. South Shields	153	44	4,583
118. Stockport	141	113	3,357
119. Sunderland	229	166	6,482
120. Walsall	174	107	3,887
121. Warrington	88	36	2,021
122. West Bromwich	90	167	2,351
123. West Ham	141	89	7,530
124. Wigan	138	45	3,485
125. Wolverhampton	207	181	4,727
126. Worcester	176	46	2,659
127. York	197	37	2,488
WALES.			
128. Cardiff	194	82	9,807
129. Swansea	300	56	5,002
Total County Boroughs ...	14,753	11,206	410,840

SUMMARY.

			£
Total Counties	52,292	21,369	796,032
Total County Boroughs	14,753	11,206	410,840
TOTAL, ENGLAND AND WALES ...	67,045	32,575	1,206,872

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F. refers to the Forms scheduled to the Licensing Rules, 1904.

R. refers to the Licensing Rules, 1904.

s. refers to the sections of the Licensing Act, 1904.

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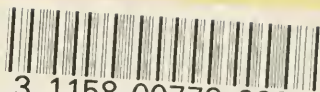
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